BUSH'S DUBIOUS PICK FOR TAIWAN Joshua Micah Marshall

THE

NEW REPUBLIC

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Stephen Holmes

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Andrew Sullivan

WHY CAMPAIGN FINANCE REFORM IS GOOD FOR BUSH, BAD FOR DEMOCRATS, BAD FOR REPUBLICANS, AND GOOD FOR AMERICA

Peter Beinart
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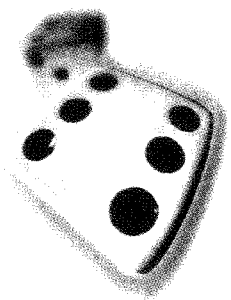

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A Journal of Politics and the Arts

WASHINGTON, D.C.
MARCH 4 & 11, 2002
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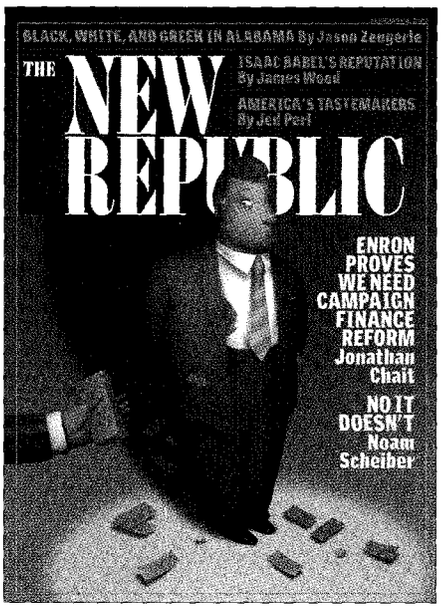
Rush hour

TO THE EDITORS:
Thank you for Jason Zengerle's thoughtful exposé of racial discrimination at the University of Alabama's Greek organizations ("Sorority Row," February 4). However, I couldn't help but laugh out loud at the general ludicrousness of the situation: A gifted, young black woman, wanting to fit into the "roiling mix of social ambition and social privilege," finds racial discrimination in the very institutions used by selfish individuals seeking to perpetrate class distinction, which is another form of prejudice as well! If the Greek system turns its focus away from furthering the self-centered social and privilege-minded ambitions of a group of people—no matter what their color—to that of forming an "elite" whose true mandate is to enter public service with a humble, servant-like heart, then there is hope that it will forgo its inherent racially discriminatory attitude.

NATHALIE BRUN
Los Angeles, California

TO THE EDITORS:
I am an alumna member of the Chi Omega sorority from a university in Ohio. I intend to bring this story up at my alumnae meeting and contact the national office. I am appalled that my sorority would be involved in such blatant racism.

CATHERINE R. BAKER, ESQ.
Chardon, Ohio


BLACK, WHITE, AND GREEN IN ALABAMA By Jason Zengerle
THE NEW REPUBLIC
ISAAC BABEL'S REPUTATION By James Wood
AMERICA'S TASTEMAKERS By Jed Perl
ENRON PROVES WE NEED CAMPAIGN FINANCE REFORM Jonathan Chait
NO IT DOESN'T Noam Scheiber

India ink

TO THE EDITORS:
In Peter Beinart's otherwise excellent TRB on Kashmir, he begins with an error of fact ("Free State," January 28). The maharaja of Kashmir did not turn to India to put down a rebellion; in fact, Kashmir was the 560th tributary princely state of the British Indian Empire (of 561) to decide whether to join India or Pakistan after the creation of the two states from British-ruled India. Pakistan grew tired of waiting and sent in, as it continues to do, an irregular army of Pashtun tribesmen from its border areas with Afghanistan to force the issue. The tribesmen were diverted by a looting spell at Baramula—a regional center 60 miles from the capital, Srinagar—at which point the maharaja acceded to India, the better to get the help of its army to repel the invaders. Pakistan went to war and joined the irregulars the same day. After the accession a crowd of Kashmiris lined the streets of Srinagar to welcome the Indian army. India has indeed squandered its goodwill and head start amongst the Kashmiri people in the half-century since.

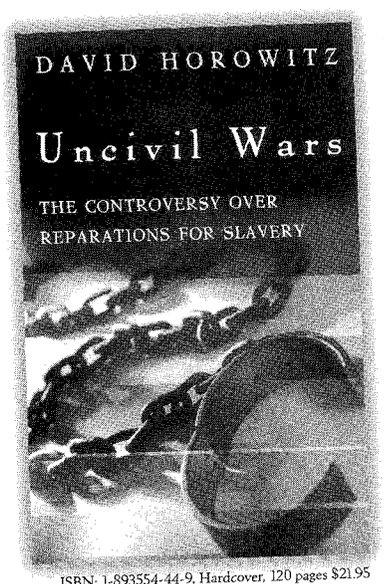
MANI SITARAMAN
Singapore, Singapore

TO THE EDITORS:
As a native Kashmirian, born and raised in Srinagar but a longtime resident of the United States, I feel it is necessary to correct some errors in "Free State." The Kashmir Valley, where Muslims are the majority, is only one of the three constituent parts of the state; the other two parts have Hindu and Buddhist majorities, respectively. The Kashmir Valley has an area of only 2,000 square miles and is only 10 percent of the total area of the state; but it, against the wishes of the other two regions, wants autonomy for the entire state. Also, the 1947 armed conflict was not a result of a local rebellion but rather an attack by the tribals from Pakistan, led by Pakistani army officers (like the Taliban).

SUBHASH KAK
Baton Rouge, Louisiana

PETER BEINART REPLIES:
Subhash Kak is right that Kashmir is not a state itself but rather part of the religiously diverse state of Jammu and Kashmir. I used a common, but incorrect, shorthand. He and Mani Sitaraman are wrong, however, in claiming that the maharaja of Kashmir, Hari Singh, called in the Indian army in October 1947 solely in response to infiltration from Pakistan. According to Stanley Wolpert's *A New History of India*, a rebellion erupted in the province of Poonch in the southwest corner of Kashmir in March of that year. Muslims from neighboring Pakistan crossed the border to aid that internal uprising. ■

A Bad Idea Whose Time Has Come



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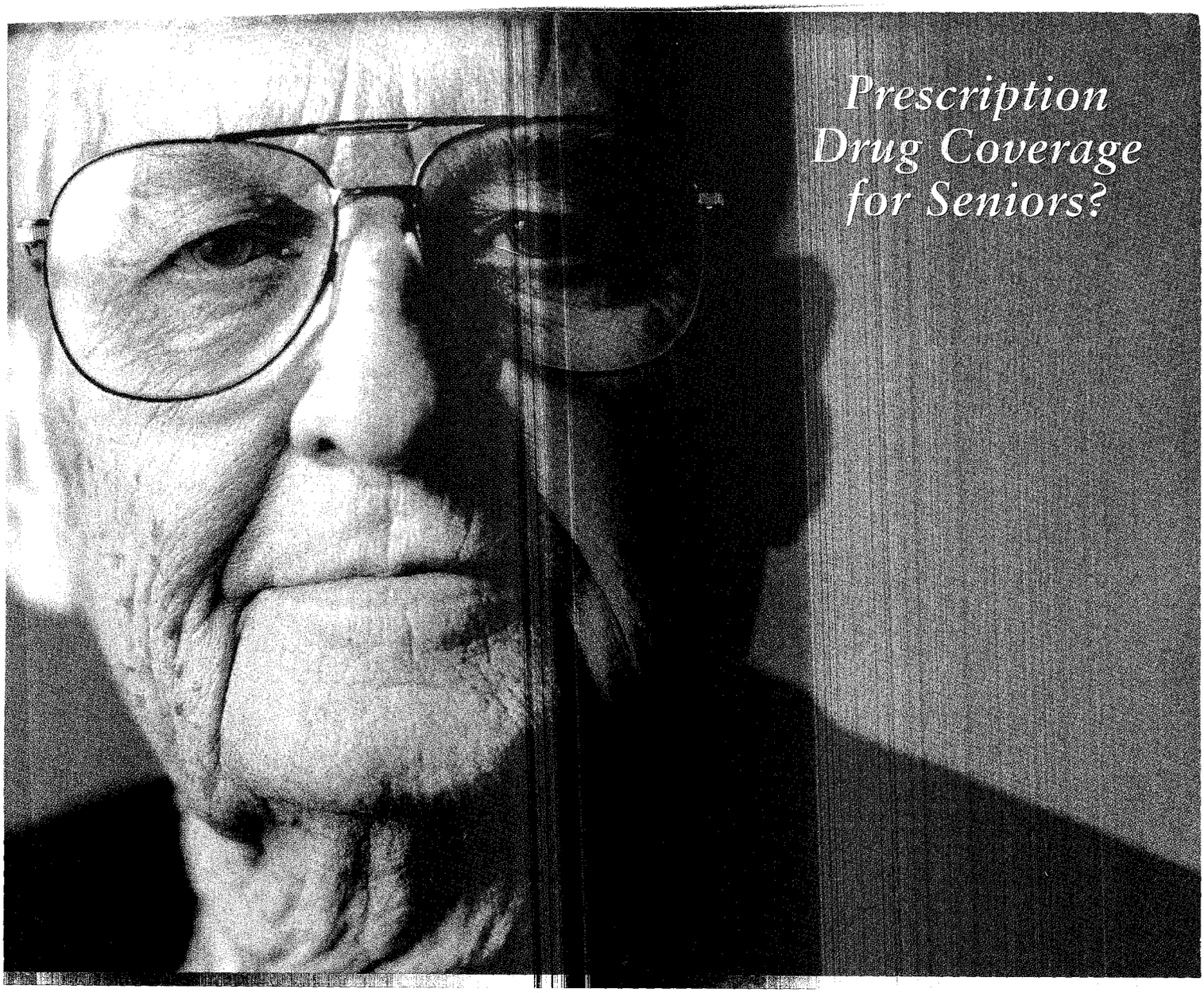

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TRB

FROM WASHINGTON

Speak Easy

IF THERE'S ONE thing opponents of campaign finance reform hate even more than losing, it's the perception that they are losing to the forces of purity and light. We are fighting for a principle too, they insist: free speech. And, perhaps betraying a little defensiveness, they often describe the assault on that principle in rather grandiose terms. A few years ago Senator Mitch McConnell, campaign finance reform's opponent-in-chief, called the McCain-Feingold bill an effort "to repeal the First Amendment, at least as it applied to political discourse." Last month House Republican Deputy Whip Roy Blunt said that had such reforms been proposed "in 1787 in Philadelphia... there would have been a second American Revolution."

The aim of such passionate declarations, I suspect, is less to convince observers that campaign finance reform is wrong than to convince them that its opponents are motivated by something larger than self-interest. And it would be a wonderful thing if campaign finance reform really was a debate between two groups of politicians, both with the noblest of intentions—one with a deeper attachment to clean government and one with a deeper attachment to free speech. Unfortunately, that's not the case.

The first reason to doubt that congressional opponents of campaign finance reform are motivated by devotion to free speech is that they haven't shown themselves particularly devoted to it on other issues. McConnell has called campaign finance reform "the most aggressive attack on free speech since the Alien and Sedition acts" (there's that hyperbole again), but he backed the 1995 Communications Decency Act, which banned obscenity on the Internet (until the Supreme Court struck it down for violating the First Amendment). McConnell himself introduced the Pornography Victim's Compensation Act, a Catharine MacKinnon-esque bill that would have allowed the victims of sex crimes to sue the pornographers who had inspired their attackers. And he was the prime mover behind a 1999 amendment to prevent movies and TV shows that display "wanton and gratuitous violence" from using federal land or equipment.

When confronted with this contradiction, McConnell usually replies that porn and violent movies don't constitute political speech and, therefore, don't deserve as much First Amendment protection as do campaign donations. But McConnell also backed a 1995 effort to restrict the *political* activities of groups that receive federal grants. And while McConnell, to his credit, opposed a constitutional amendment to outlaw burning the flag, virtually every other prominent campaign finance reform opponent in Congress—Trent Lott, Don Nickles, Dick Armey, Tom DeLay—voted to throw free speech out the window.

The disingenuousness of the free speech argument emerged even more clearly in this year's campaign finance reform battle. For years the House Republican leadership had claimed that legislation by Representatives Chris Shays and Marty Meehan to ban soft money and restrict "issue ads" violated free speech. But last week, when it became clear this argument wasn't working—and that the Shays-Meehan bill (the House counterpart to McCain-Feingold) was likely to pass, prominent House Republicans did an intellectual U-turn and demanded that the bill be defeated because it was *too weak*. DeLay denounced the legislation as "Swiss cheese, it's full of holes." Which implied that he wanted cheddar—a bill that would more comprehensively violate free speech. Arizona Republican J. D. Hayworth, who one year ago warned that Shays-Meehan would "put the Constitution and the First Amendment into deep freeze," last week attacked the bill for not taking effect until after this November's elections. "If it's good enough to ban soft money," he bellowed, "why not do it now?" Evidently he didn't think Shays and Meehan were putting the Constitution on ice rapidly enough.

But the best reason to doubt the sincerity of the free speech argument against campaign finance reform is the simplest: It's not correct. It has been illegal for corporations to give money to political candidates since 1907 and for unions to do so since 1947. The "soft money" exception didn't emerge until 1978—when the Federal Election Commission ruled that corporations and unions could give directly to political parties if the money was used for grassroots activities like registering voters and getting out the vote. In the last decade, of course, the parties have driven a truck through that loophole and spent vast sums of soft money on behalf of specific candidates—exactly what it wasn't supposed to be used for. So if the right to use soft money to run ads for or against particular candidates really lies at the heart of the First Amendment—as Hayworth, McConnell, and DeLay insist—the First Amendment has been in deep freeze for most of the last 100 years.

The opponents of Shays-Meehan are even more certain that it violates free speech in another way: by barring independent groups like the National Rifle Association and the Sierra Club from running ads mentioning specific candidates in the months prior to an election. And perhaps if it really did, they'd have a point. But despite their endless assertions to the contrary, it doesn't. All the legislation requires is that organizations pay for such ads with hard money—that is, through a political action committee (PAC). There are no limits to how much a PAC can spend. It can buy all the ads it wants; it just can't raise more than $5,000 per person per year—which means that if an independent group wants major sway over an election, it needs a wide base of support. Wealthy individuals can still buy ads mentioning specific candidates as well. But whereas in the past they could keep their identities secret—so, for instance, no one knew if they had ties to that candidate's opponent—under Shays-Meehan they must disclose who they are within 24 hours. More disclosure is what reform opponents usually say they want. So why do they think a requirement that individuals buying campaign ads do so openly—and that organizations buying campaign ads raise their money in smaller increments—violates the First Amendment?

In private, congressional Republicans don't bother with all this free speech talk; they say what Denny Hastert said to a closed-door meeting of House Republicans on the eve of the campaign finance vote: that without a financial advantage, Republicans lose. That's not a crazy argument. Democrats, as the party closer to journalistic and intellectual elites, generally get a better shake from the media, especially on cultural issues. Republicans, as the party closer to business and the wealthy, surmount that advantage with money—and the more money that flows into politics, the more they surmount it. For people who don't equate the good of the GOP with the good of the nation, that isn't a very compelling argument against campaign finance reform. But at least it has the benefit of being sincere.

PETER BEINART

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Presidential Commission Shocks White House: Recommends Marijuana Should Be 'Decriminalized'*

Washington, DC - A Presidential commission's report recommends that marijuana be legalized.

The Commission concluded that marijuana users "are essentially indistinguishable from their non-marijuana using peers by any fundamental criterion other than their marijuana use."

They found that, "Neither the marijuana user nor the drug itself can be said to constitute a danger to public safety."

The Commission recommended "Decriminalization of possession of marijuana for personal use on both the state and federal levels."

The Commission's findings caught many by surprise since both the President and the former Republican governor of Pennsylvania who chaired the Commission have reputations for tough 'law and order' approaches to drug law enforcement.

The President refused to read the report. He said in a news conference, "I am against legalizing marijuana. Even if the Commission does recommend that it be legalized, I will not follow that recommendation."

*** The Shafer Commission issued its report on marijuana policy on March 22, 1972-30 years ago. President Nixon ignored the scientific advice he was given. The Netherlands, which had a similar commission, did not. Today, marijuana use in Holland is half that of the U.S.[1]**

Over 100,000 Americans die annually from consumption of alcohol.[2]
None (0) die from consumption of marijuana.[3]
734,497 arrests were made for marijuana in 2000.[4] Countless families are destroyed.

Is criminalizing marijuana use sensible public policy? Is it time for marijuana to be treated like alcohol?

Kevin B. Zeese, President, Common Sense for Drug Policy
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[1] Netherlands: Lifetime prevalence of marijuana use ages 12-up, 15.6%; past month, 2.5% (source: Abraham, Manja D., et al., "Licit and Illicit Drug Use in the Netherlands, 1997" (Amsterdam: University of Amsterdam Center for Drug Research, Sept. 1999); US: lifetime prevalence of marijuana use ages 12-up, 34.2%; past month, 4.8% (source: SAMHSA, US Dept. of Health and Human Services, "Summary of Findings from the 2000 National Household Survey on Drug Abuse (Rockville, MD: SAMHSA, Sept. 2001), p. 132, Table F.2, from the web at http://www.samhsa.gov/oas/NHSDA/2kNHSDA/2kNHSDA.htm.

[2] "Number of deaths and age-adjusted death rates per 100,000 population for categories of alcohol-related mortality, United States and States, 1979-96," National Institute on Alcohol Abuse and Alcoholism, from the web at http://www.niaaa.nih.gov/databases/armort01.txt.

[3] Reports of the Drug Abuse Warning Network show no deaths attributed to marijuana; see also Joy, Janet E., et al., "Marijuana and Medicine: Assessing the Science Base," Institute of Medicine, (Washington, DC: National Academy Press, 1999); and US Dept. of Justice, Drug Enforcement Administration, "In the Matter of Marijuana Rescheduling Petition," Docket #86-22, Sept. 6, 1988, p. 57.

[4] Federal Bureau of Investigation Uniform Crime Report, "Crime in America 2000" (Washington, DC: US Dept. of Justice, Oct. 2001).

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Hot Air

POLITICAL PARTIES MAY suffer from genetic defects. No matter how hard they try, for example, the Democrats just can't make themselves sound good on defense policy. And no matter how hard they try, the Republicans just can't make themselves sound good on the environment. George W. Bush reaffirmed this when he announced his global warming plan last week. In fact, the announcement was a double fumble. Not only did the White House ballyhoo an embarrassing nothing on global warming; it diverted attention from a progressive new environmental initiative for which the president deserved praise.

Bush's global warming "plan" begins by proposing voluntary compliance. But that's exactly what Bill Clinton proposed, and U.S. greenhouse gas emissions rose 12 percent on his watch. Next, Bush offers tax incentives for businesses and individuals to invest in energy-efficient devices such as solar converters and high-miles-per-gallon "hybrid" cars. But various tax incentives for energy efficiency have been in place since the Jimmy Carter years, and U.S. greenhouse gas emissions have climbed steadily nonetheless. That's because tax incentives for consumers do not change underlying behavior. *Profit* incentives for companies do.

Finally, Bush offers a new form of rhetorical gibberish. He wants to reduce the "carbon intensity" of the economy by 18 percent over the next ten years—meaning less greenhouse gas per dollar of GDP. Under this scenario, annual U.S. emissions would still rise—only the *rate of increase* (sound familiar?) would decline. Yet carbon intensity has been declining for years *already*, and greenhouse gases just keep accumulating. As Jesse Ausubel of Rockefeller University has shown, Western nations have been "decarbonizing" throughout the postwar era because fossil-fuel combustion keeps growing more efficient, and greenhouse-friendly energy forms such as atomic and wind power are being developed. But since Western economies have expanded so much, lower greenhouse intensity relative to the economy still equals higher total emissions. In case Bush's voluntary plan doesn't work, he proposes that mandatory standards be considered for the year 2012—by which time a two-term W. presidency would be over. (To be fair, Al Gore's favored solution, the Kyoto Protocol, had as its first binding year 2008, the final year of what would have been his two terms.)

The president should stop dodging the issue. Global-warming reform is not impossible, nor is it a menace to prosperity. The problem is that today no one has an economic incentive to devise technology to prevent artificial global warming. Thirty years ago controlling automobile pollution also seemed an impossible task and a threat to the economy. But Congress created incentives through the 1970 Clean Air Act, signed by Richard Nixon; today the typical new vehicle emits just 1 percent as much pollution as in 1970, while cars remain affordable. With the eyes of the world on him for rejecting the Kyoto Protocol, Bush could have found similar economic incentives for global warming. Specifically, he should have proposed a North American "carbon-trading" pilot program involving United States, Canada, and Mexico. Under trading regimes, those who reduce emissions more than the law requires can sell the extra credits for profit—bingo: economic incentive for less pollution. Such a proposal would have produced real global-warming progress, won the United States back the high ground, and made U.S. industry the world leader in greenhouse-friendly technology. But Bush fumbled the chance.

To make matters even stranger, Bush managed to divert attention from his administration's proposal of the most important new environmental legislation in one decade. Plagued by what to do with dirty, old Midwestern power plants grandfathered in under the Clean Air Act, Environmental Protection Agency Administrator Christine Todd Whitman last week proposed legislation that would require power plants nationwide to cut emissions of acid rain, nitrogen oxides (a factor in smog), and mercury (a poison) by about two-thirds. Pollution trading would be used to hold down costs. Whitman's proposal, backed by Bush, represents the most sweeping pollution reduction for power plants ever contemplated, and it comes over objections from Bush's closest ally: the energy industry. But by announcing Whitman's plan at the same time as the much higher profile global-warming decision, the Bushies buried it. *The New York Times* mentioned the clean-air proposal in passing in the twenty-second paragraph of its story denouncing Bush's greenhouse missteps. This magazine begged the president to endorse the Whitman idea one month ago (see "Air Pressure," by Gregg Easterbrook, February 4), at a time when respectable commentators assumed Bush would do nothing about pollution from power plants. Now he's offering decisive action but receiving zero credit. Must be in the genes. ■

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NOTEBOOK

LIES, DAMNED LIES, AND PANEL REPORTS: Call off the debate over the Bush tax cut: It has now been proven that Bush was right after all. Last week the Council of Economic Advisers (CEA) released a report vindicating the tax cut, complete with a bar graph demonstrating precisely how much faster it caused the economy to grow. Republican spinners leapt into action to trumpet the good news. In a speech to the Council on Foreign Relations, Vice President Dick Cheney pointed out the intended benefits of the tax cut and concluded, "as the Council of Economic Advisers confirmed in an analysis released just today, [the tax cut] did indeed have that effect." Appearing two days later on "Meet the Press," Bush adviser Ed Gillespie crowed, "this tax cut that the president passed, according to the Council of Economic Advisers, actually ended up saving or creating 800,000 jobs and making the recession a little less harder [*sic*]." That sounds impressive—until you remember that the CEA is made up entirely of Bush political appointees. To say that it "confirmed" Bush's view, and thereby suggest that it is in some way independent of the White House, is akin to claiming that political adviser Karl Rove "confirmed" that Bush is the best president in American history. Indeed, the barest glance at the CEA report reveals it to be an entirely political document. Running a scant 1,000 words, the report provides no clues to the facts or methodology underlying its conclusions—no attribution for the numbers it cites, no supporting documentation, nothing. Even the White House seems unable to follow the CEA's logic: While the report praises the tax cut for "boost[ing] aggregate demand," Cheney says the cut "stimulat[ed] savings and investment." Now, if the tax cut encouraged consumers to spend more, then, by definition, they must have saved less. To say the tax cut encouraged both spending and saving is nonsensical. But don't expect such questions to be answered anytime soon. According to *The Washington Post*, "a member of the advisory council said the person largely responsible for the report was out of the country and could not answer questions." How convenient.

CARRYING A TORCH: THE NEW REPUBLIC doesn't often praise New Jersey Senator Robert Torricelli, one of the least likable members of Congress. But if you hear Torricelli complaining about the campaign finance reform bill that most of his Democratic colleagues are celebrating, hear him out: For once, he's right. Torricelli's beef is that the House stripped out a provision he'd added in the Senate requiring broadcasters to charge low rates for political ads in the period leading up to an election. The amendment went to the heart of the campaign finance problem: The exorbitant cost of TV advertising is the reason campaigns are so expensive in the first place. Broadcasters—who, after all, use public airwaves—often show their public spiritedness by jacking up ad rates during election season. Unfortunately, members of Congress rarely stand up to broadcasters—especially House members, who can virtually disappear from the public eye if, say, peeved local stations ignore their press conferences. So it was sadly predictable that last week the House stripped Torricelli's amendment in a lopsided vote. And even less surprising that the three major network news programs failed to mention the issue at all.

GOING NUCLEAR: The Bush administration doesn't often ignore the electoral map in the name of good policy. But it did just that last week when it accepted the Energy Department's recommendation to move ahead with plans to store the nation's nuclear waste at Yucca Mountain in the Nevada desert. As evidenced by the fact that the White House announced the decision around five p.m. on a Friday, it was a politically treacherous call. Bush narrowly carried Nevada

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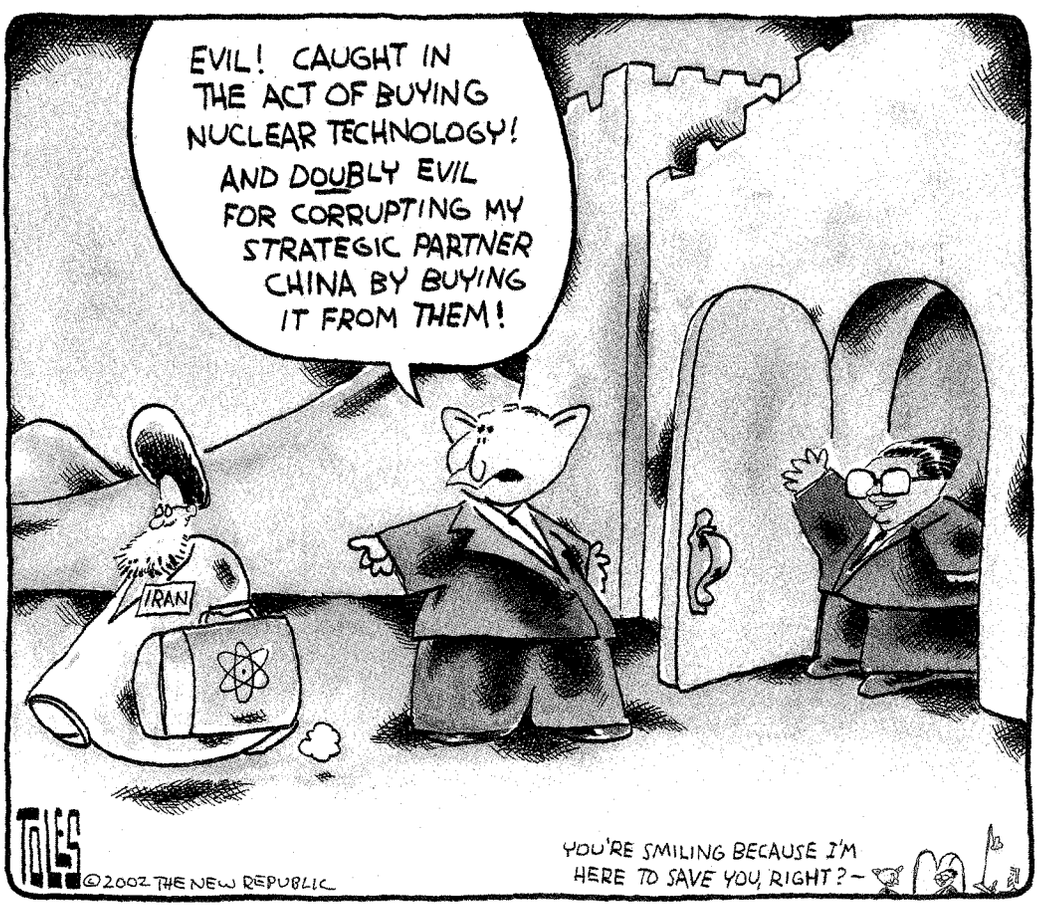
in 2000, and Democrats immediately decried the decision as sinister sucking up to the nuclear power industry, which has pushed for the site. "[T]his is the most ludicrous thing I've ever seen," James Carville sputtered last week on "Meet the Press." "[E]very time that it's power versus people, this administration sides resolutely with power and never with people." (Presumably the "people" are thrilled that nuclear waste is now stored in 39 states, often insecurely, much of it near populated areas.) Egged on by host Tim Russert, Carville also inaccurately attacked Cheney for breaking a supposed promise to Nevadans, late in the 2000 campaign, not to proceed with the Yucca project. But Cheney made no such promise. What he said was that the decision would be based on Environmental Protection Agency and Energy Department health and safety reports—which it has been. Even Al Gore's position was no different. Given that Carville's wife, Mary Matalin, happens to be a top Cheney adviser, it does not seem too much to ask that next time he perform a little domestic fact-checking before taking his smears on the air.

THE RISE THAT NEVER FELL: Remember Paul Kennedy? Best known for his 1988 book *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*, Kennedy became an academic celebrity by predicting the decline of American influence in the world. The United States, he argued, was being left in the dust by Japan and West Germany due to "imperial overstretch," i.e., maintaining military commitments out of pace with our economic capabilities. The only way to reverse that decline would be to retrench militarily and learn from the Japanese. Even the Soviet Union's subsequent collapse didn't change Kennedy's mind—it was just a distraction from the almost inevitable rise of Japan. Until now. In a recent article in *The Financial Times*, Kennedy celebrates America's overwhelming military and economic might and predicts that it will continue for the foreseeable future. There's just one thing missing: Any acknowledgment that this reality is the near polar opposite of the predictions on which Kennedy's fame rests. The closest Kennedy comes is the following passage: "During the 1960s, 1970s, and 1980s, the US share of total world product steadily declined.... Had this decline continued for another decade or two, America would have come troublingly close to 'imperial overstretch.' Moreover, the Soviet Union still seemed powerful, and some touted Japan as the coming 'Number One.'" "Some" indeed.

IDIOCY WATCH, CONT'D: "I had not the slightest emotional reaction [to watching one of the World Trade Center Towers collapse]. I thought: 'This is a really strange art project.' ... It was a most amazing sight in terms of sheer elegance. It fell like water. It just slid, like a turtleneck going over someone's head.... It was just beautiful. You can't tell people this. I'm talking to you because you're Canadian.... I just felt, like, everyone was overreacting. People were going on about it. That part really annoyed me."—Elizabeth Wurtzel, author of *Prozac Nation* and *Bitch*, interviewed in Toronto's *The Globe and Mail*, February 16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YOU'RE SMILING BECAUSE I'M HERE TO SAVE YOU, RIGHT?

DEPARTMENT OF CORRECTIONS: In TNR's February 4 issue, the editors quoted Richard Haass, the State Department's director of policy planning, as saying, "By and large, the Iranian role diplomatically has been quite constructive." We should have noted that Haass, speaking before the Senate Foreign Relations Committee on December 6, was referring solely to Iran's role in Afghanistan. We regret the omission. ■

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White House Watch

O Pioneers!

By Ryan Lizza

When I met Gregory Slayton at the Republican convention a year and a half ago, he was a fairly minor player in the world of GOP fund-raising. After meeting then-Governor George W. Bush during the campaign, the Silicon Valley software entrepreneur had signed up to be a Pioneer, one of the 212 men and women who hit up their rich friends and family in order to raise at least $100,000 apiece for Bush's presidential run. But while Bush aides made sure Slayton enjoyed himself in Philadelphia, the convention's most coveted inner sanctums—Tom DeLay's plush double-deck train, for instance—were reserved for the likes of Philip Morris, AT&T, and Enron—companies that have given the GOP millions in soft money. But Slayton didn't mind. After all, he didn't know much about politics back then. He had simply hit it off with W. and volunteered to raise some cash.

How things have changed. Talking by cell phone this week on his way back to California from the Olympics, Slayton—now the finance co-chairman for Richard Riordan's gubernatorial campaign—discoursed on the finer points of congressional redistricting before passing along a juicy bit of gossip regarding current Governor Gray Davis. The following evening Slayton was to play host to Vice President Dick Cheney at a fund-raiser in Pleasanton, California. Asked if his three oldest kids are looking forward to the event, Slayton nonchalantly offered: "They are excited. They know the president pretty well. So this will be the first time they've met the vice president."

Welcome to the future of political fund-raising. Assuming that President Bush signs the McCain-Feingold bill, companies like Philip Morris, AT&T, and Enron will no longer be able to give the unlimited "soft money" contributions that won them so much access in Philadelphia. And it will be hard money fund-raisers like Slayton who pick up the slack. All of which should suit the president just fine. After all, he has a network of Pioneers already in place—and since McCain-Feingold doubles the hard money limit for donors to $2,000, they should be at least twice as effective. Indeed, with the president's signature on campaign finance legislation, the White House is poised not only to co-opt the issue from the Democrats and John McCain but also to use the new law to raise astronomical sums for Bush's 2004 campaign. "The Democrats," gloats Bush adviser Mark McKinnon, "may have just helped the president's reelection chances."

But congressional GOPers aren't gloating at all. In fact, they think Bush's gain is probably their loss. House Republicans are still seething about Ari Fleischer's comments on the day that Shays-Meehan (the House equivalent of McCain-Feingold) came up for a vote: The White House spokesman, after months of strategic ambiguity, suddenly positioned Bush as a champion of the campaign finance bill. "That pissed off a lot of leadership people," says one House GOP leadership aide. "It was an uphill climb to begin with. When Ari made that comment that morning, that was the equivalent of shoving a boulder down the side of that mountain you are climbing. That sunk it."

The reason for this intra-GOP split is that your average House Republican will probably prosper less under McCain-Feingold than the president will. Raising the hard money caps will not be as beneficial to members of Congress because most of them do not have dozens of loyalists like Slayton who can bundle lots of $2,000 donations. And congressional Republicans are more vulnerable to labor's get-out-the-vote efforts than Bush is. In the past, Republican presidential nominees and Republican congressional candidates have had a similar relationship to the national party. The nominee has used the party's soft money to supplement his own spending—just as a congressional candidate who was under attack from an outside group, or who suddenly saw her poll numbers nosedive in the final week of a campaign, relied on the party for a quick infusion of cash or advertising. But Bush doesn't need the party anymore because he can raise so much hard money on his own. Your average Republican congressional candidate, on the other hand, won't be able to pick up the slack. "You can't pick up the phone and call interest groups because that violates the law," notes a top campaign finance lawyer. "You can't get it out of the national parties because they can't raise and spend soft money.... There's a big difference between George Bush and that candidate."

It's hard to exaggerate how much money Bush is now in a position to raise for 2004. Last time around, as Texas governor, Bush persuaded almost 62,000 donors to give his campaign the maximum $1,000 in hard money. Simply doubling that figure to account for the new $2,000 limit translates into $124 million. (By contrast, Al Gore raised about $22 million from his maxed-out donors.) But as an incumbent president with 80 percent approval ratings, with a unified and energized Republican Party behind him, and with no primary opponent in sight, it's quite likely Bush will multiply his hard money fund-raising several times over. In addition to his maxed-out donors, Bush will benefit handsomely from the Republicans' lucrative small-donor, hard money database. And rather than 212 Pioneers, there could be 500 or one thousand next time. Says Slayton, "I think everybody that was a Pioneer last time will be a Pioneer this time, and I think a lot of [other] people will say, 'Hey I want to be a Pioneer.' They've seen the guy's performance. The product is good." Predicts Jan Baran, the general counsel to Bush 41's campaign, "You're looking at literally a campaign that could raise half a *billion* dollars."

That means the president may not only opt out of the public financing system for the primary—as he did last

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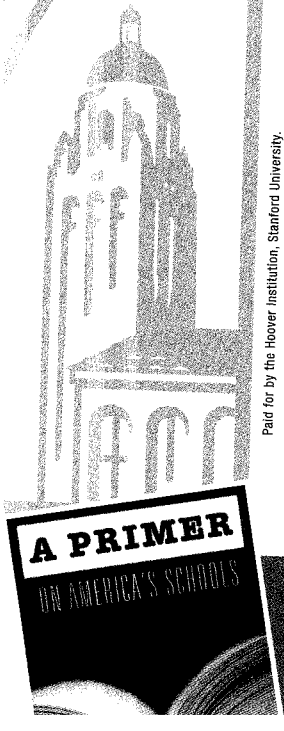
Diane Ravitch is a research professor, New York University; distinguished visiting fellow, Hoover ıstitution; and member, ıover's Koret Task Force on K–12 Education.



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For many years, educators and policymakers at state and national levels have been trying to persuade young people to finish high school. Dropping out without a diploma, it is widely recognized, is associated with lower wages and scant economic prospects over one's lifetime. Consequently, we have regularly seen advertising campaigns by public officials and private industry encouraging teenagers to stay in school and improve their life chances.

Yet **the U.S. Department of Transportation recently indicated that a high school diploma is not especially important.** Last fall, when Congress passed legislation to improve airport security, it federalized the nation's 28,000 screeners of passengers and baggage. The legislation directed the Federal Aviation Administration (FAA) to hire, train, test, and deploy those responsible for screening access to our nation's airplanes. The public assumed that the purpose of this legislation was to heighten security.

At first, the FAA said that it would require a high school diploma for those jobs. But when it was discovered that some 7,000 current airport screeners do not have a high school diploma, the FAA reversed course and decided that it would accept a year of relevant work experience in lieu of a high school degree. In other words, the current workforce, which allowed massive security lapses on September 11, is good enough. Even though its starting salaries will be doubled (to an average of $30,000), the workforce will remain unchanged and its qualifications will not be increased.

There are two problems here: (1) the legislation is a sham if it does not raise minimal standards for those who hold these sensitive jobs; (2) the FAA's decision sends a message to students that it is not necessary to have a high school diploma to get a good job, even one that is crucial to the nation's security.

Why should screeners have a high school diploma? Teachers and principals will tell you that school completion indicates a certain level of persistence, self-discipline, literacy, and accomplishment. Young people who lack the motivation to complete their high school studies are not the best pool from which to select those who are expected to read passengers' faces and behavior, to assess the contents of their bags, and to do so quickly and accurately.

How can teachers persuade their students to stay in school and get their diploma if the FAA says that the degree doesn't matter? To his credit, Senator Charles Schumer of New York has complained about this unfortunate decision.

Members of the American public were led to believe that the federalization of the workforce would raise standards for those entrusted with their safety. The FAA's willingness to suspend educational standards for one-quarter of airport screeners sends a negative message not only to airline passengers but also to the nation's students and their teachers.

— Diane Ravitch

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time around—but for the general election as well. After all, general-election public financing will only amount to about $70 million, and it would restrict Bush to spending no more than that overall. "I think it's more probable than not" that both sides will opt out of the public finance system in 2004, predicts McKinnon. As for fellow Republicans' complaints that by signing McCain-Feingold Bush will improve his own reelection prospects at his party's expense, McKinnon laughs, "They are not my people." Or, as a top GOP congressional aide puts it, "Obviously they have different priorities from us." Obviously. ■

On the Hill

Mourning After

By MICHAEL CROWLEY

WHEN THE HOUSE finally passed, like a kidney stone, a campaign finance reform bill last week, Democratic leaders were radiant. Tom Daschle and Dick Gephardt wore huge grins at a celebratory press conference the next day, basking in the national media's adoring glow. But, behind the scenes, Democrats aren't grinning at all. "It's going to be ugly for us. It's pretty devastating," says an experienced party operative. "It's very possible we've consigned ourselves to minority status," says a senior campaign strategist. "At some point you're going to have real shock," adds a party lawyer.

Yes, Republicans will have to adapt, too. But when the reforms take effect next year it is Democrats who will face a huge fund-raising disadvantage, who will find it harder to get their core voters to the polls, and who will have trouble competing with Republicans in the race to find sleazy, new loopholes in the law. Indeed, many Democrats feel like they've just woken up after a one-night stand. Campaign finance reform may have felt good last night, but the question this morning is: What have we done?

CAMPAIGN FINANCE REFORM

Party operatives tell of numerous calls from nervous Democratic officeholders asking precisely that question. "[P]eople are discovering to their discomfiture that they did not understand the bill as well as they thought they did," says one party lawyer. One party staffer canceled a luncheon interview with me last week because, he said, he had to spend the entire day explaining to House members that, contrary to their expectations, there were no easy end runs of the law already mapped out.

For months party operatives had been warning Democratic members of Congress that they'd regret a vote to ban unlimited soft money. But John McCain's prestige and the media's unabashed cheerleading for reform left Democrats with little choice politically. "No constituency to speak of actually likes this bill or pressed any Democrats to support it," says one Democratic operative. "It was passed on the strength of Democratic anxiety over being called to hypocrisy by the elite media." When House Democratic Caucus Chairman Martin Frost, one of the bill's most influential Democratic skeptics, approached his colleagues the day before the vote asking if they were aware of certain provisions that troubled him, recounts the operative, "members would say, 'That can't be true. But there's nothing I can do about it anyway.'"

The biggest problem for Democrats is the bill's virtual ban on soft money. In recent years the Democrats have reached near parity with Republicans in soft money—money that donors can give in staggering amounts to party committees. And while it's possible that, under a Republican president, the GOP will reclaim its soft money advantage, no one knows for sure. What is certain is that Democrats still lag pitifully when it comes to "hard money" donations—the small donations, capped at $1,000 (soon to be $2,000) per candidate per election cycle, that go directly to candidates. And that's not about to change.

One reason is simple demographics. Republicans tend to be richer, and there are far more of them willing to write $500 or $1,000 checks to candidates. Just look how easy it was for George W. Bush's Pioneers to gather up contributions from their businessmen friends (see "O Pioneers!" by Ryan Lizza, page 12). But there's more to it than that. For years Democrats have neglected the work of identifying new small donors, while Republicans have come to master it. By last year Republicans boasted a direct-mail list of nearly 15 million small donors, while the Democrats had only around 400,000. As campaign finance reform moved from an unlikely crusade to a probability in recent months, Democrats began scrambling. Although he arrived at the Democratic National Committee last year with a reputation as a soft money magnet, Chairman Terry McAuliffe has managed to double the number of names on the party's small-donor list to more than one million. But that's far from enough to compete with Republicans anytime soon. All of which bodes terribly for the 2004 Democratic nominee who, without the benefit of soft money, can expect to be swamped by Bush and his Pioneer machine. "That's a crisis," says Donna Brazile, Al Gore's 2000 campaign manager.

Democrat campaign veterans also argue that soft money was critical to the voter-mobilization efforts that have helped Democratic candidates so much in recent years. The good news for Democrats is that, in an environment where independent groups are restricted from running ads or coordinating with candidates, the ability of unions to turn out their members en masse will be more important than ever. But all-important minority voters could be a different story. A massive turnout of black voters was what nearly won Florida for Gore in 2000. And some party strategists are convinced that such efforts won't be possible anymore. "Members say, 'We'll just have to do more direct mail,' or 'We'll just have to do more grassroots,'" says one party campaign hand. "What they don't understand is

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that soft money went to the grassroots." This was what worried the Congressional Black Caucus, which held out for weeks against reform on the grounds that it would hurt minority turnout. "We spend millions and millions to get minorities turned out," says a fretful Jim Jordan, executive director of the Democratic Senatorial Campaign Committee. "There is an absolute possibility that African American turnout drops by twenty percent or more by 2004." The higher-income Republican base, by contrast, is widely considered to need less voter education and mobilization to get to the polls.

DEMOCRATS WILL TRY to soften the blow by exploiting various loopholes in the bill. For starters, the legislation does allow state parties to raise money for get-out-the-vote efforts, capped at $10,000 per donor per year, raising the possibility that a big donor could make several $10,000 donations to multiple county and local committees within a state. But party strategists fear that will be a poor substitute for their perfectly tuned national get-out-the-vote engine. Some state parties, they report, don't maintain voter files or even lists of volunteers who helped out on previous campaigns. "If you leave this in the hands of county commissioners and dog catchers, it's not going to get done," Jordan says. Another party operative puts it even less charitably: "We're going to be empowering a lot of yahoos who don't know anything about the financial decisions they'll have to make."

Democrats will also rely more heavily on nonprofit groups like the NAACP to turn out voters. The new law only lets politicians solicit donations of up to $20,000 for a nonprofit's get-out-the-vote fund. But a member of Congress can still rake in unlimited donations at a NAACP or Sierra Club dinner, as long as the money isn't explicitly earmarked for electioneering. And since money is fungible, if Hillary Clinton convinces David Geffen to give the NAACP $5 million, that frees up other dollars for phone banks and direct mail. Look also for new, independent groups and political action committees to help pick up the slack. One largely overlooked potential loophole, flagged by a campaign finance expert, would allow a national party figure (say, McAuliffe) to set up his own independent political committee and raise unlimited amounts of money for it as long as he was not "acting on behalf" of the national party. If the committee were given some other ostensible purpose—"empowering working families," for instance—it could run huge ad campaigns or get-out-the-vote operations.

But Republicans have generally proven more adept and more shameless about exploiting this kind of campaign finance loophole. "Republicans have a much richer tradition of working with groups that pop out of nowhere," says a Democratic party lawyer. "They have a culture of legal risk-taking. They believe strongly that campaign finance reform is wrong and used as a tool to restrict them, and so they are willing to provoke the *New York Times* editorial page and to test their actions in court." For example, when Ohio Democrats teamed up with the Republican National Committee in 1998 to challenge federal regulations on soft money, the Democrats involved were guilt tripped in the national media. "One might ... expect that Democrats—who want to be taken seriously as advocates of campaign finance reform—would refrain from attacking the constitutional legitimacy of the party's own reform efforts," lectured *The Washington Post*. Democrats ultimately backed out of the suit, while Republicans kept up their fight without apology.

This is not to say that Democrats should have opposed campaign finance reform. After all, precisely because Democrats are seen as the party of reform, sinking campaign finance reform would have deeply embittered their base and, perhaps, even sent some liberals over to the Green Party. So, by their actions last week, Democrats have at least retained the moral high ground. They had better hope their donors are willing to compensate them for it—in cash. ■

The right way to punish Lindh.

Discharged

By MATTHEW M. HOFFMAN

IT'S HARD TO muster much sympathy for John Walker Lindh. For taking up arms against his countrymen, the so-called "American Taliban" deserves punishment and scorn. And the Bush administration is giving it to him. In a ten-count indictment, the government has charged Lindh with conspiring to murder Americans and supporting terrorist organizations. If convicted, Lindh could be imprisoned for life.

That may seem a fitting outcome. But, in fact, the government is making a significant tactical mistake by treating Lindh as a criminal rather than as an enemy soldier. Thus far, there's no evidence to link Lindh to the terrorist attacks of September 11 or to any other specific plot to kill Americans. Rather, Lindh is being charged with conspiracy to murder simply because he joined a foreign army and fought against Americans. Such actions may be contemptible, but they aren't criminal. And by prosecuting Lindh in Virginia for actions that occurred in Afghanistan, the Bush administration is pushing the limits of international law. Which might be a risk worth taking if there weren't another way of dealing with Lindh—one that not only makes more legal sense but also could result in a punishment that is just as severe: Strip Lindh of his U.S. citizenship and treat him exactly like his Taliban comrades.

Based on the evidence to date, Lindh seems more a Taliban foot soldier than a terrorist mastermind. According to the government, Lindh left the United States in 1998 to study Islam, first in Yemen and later in Pakistan. Beginning in about May 2001 he spent several weeks at a military

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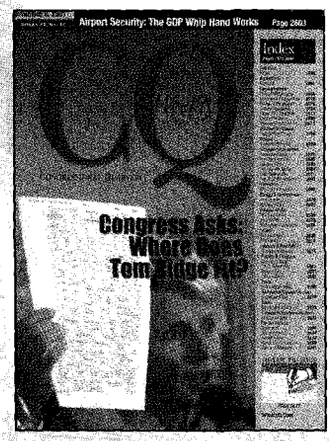

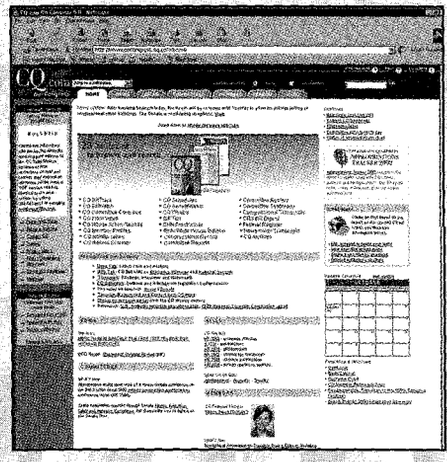

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training camp run by the Harakat ul-Mujahideen, a terrorist organization. He then crossed into Afghanistan to take up arms with the Taliban. In Afghanistan, Lindh attended another military training camp, this one run by Al Qaeda, where, the government charges, he "swore allegiance to jihad." Osama bin Laden visited the camp several times while Lindh was there and, on one occasion, met with Lindh and other trainees.

At the Al Qaeda training camp, Lindh was reportedly told that bin Laden had sent operatives to the United States and Israel to conduct suicide attacks and was offered the chance to take part in these operations. But Lindh declined, and, at the conclusion of his training last summer, he joined a unit of non-Afghan fighters battling the Northern Alliance in northeastern Afghanistan. It was there that Lindh learned about the terrorist attacks in New York and Washington—by radio on September 11 or 12. After Lindh's unit ultimately surrendered to Northern Alliance forces in November, he and his comrades were held in the Qala-i Janghi prison near Mazar-e-Sharif. On November 25 the prisoners rebelled, attempting to overpower their guards. Before the uprising was ultimately quelled, an American CIA agent, Johnny Michael Spann, was shot and killed.

The government has not produced any evidence that Lindh was involved in Spann's death. Instead, it has essentially charged him with four different crimes: conspiracy to murder American citizens outside the United States; supplying "material support and resources" to Al Qaeda and other terrorist organizations; willfully violating Treasury Department regulations that prohibit dealings with the Taliban and terrorist groups; and using and carrying firearms in the course of his crimes.

But the real gist of the charges seems to be that Lindh committed a crime simply by serving in a foreign army. As federal prosecutor Randy Bellows argued, "Lindh is a committed terrorist who not only talked the talk but walked the walk. He carried grenades. He carried shoulder weapons. He fought on the front lines with what he called his Al Qaeda brothers."

ALL OF WHICH may be true. But that doesn't make Lindh a criminal, at least as traditionally defined by the American criminal justice system. The problem is that all of Lindh's alleged criminal conduct took place in Afghanistan. Typically, there are three principles of international law that could justify America's prosecution of crimes committed outside the United States. The first, "territoriality," holds that nations can punish conduct that takes place within their borders or that has or is intended to have a substantial effect within their borders. For instance, the United States can clearly prosecute anyone involved in the conspiracy to attack the World Trade Center—even someone who never set foot in the United States. But the territoriality principle doesn't seem to apply to Lindh's case: As noted above, there's no evidence linking him to any terrorist attacks on Americans inside the United States. To the contrary, the indictment alleges that Lindh actually declined the chance to conduct terrorist operations in his native land.

The second principle is "nationality," which holds that nations can punish their own citizens for certain crimes committed in other countries. For example, an American citizen who willfully provides money or resources to a terrorist group can be charged with a crime even if the actual transaction occurs outside U.S. borders. But it's unlikely this principle applies to Lindh, since the evidence suggests he voluntarily and intentionally renounced his American citizenship. Not only did Lindh join a foreign army and swear allegiance to jihad, he also reportedly referred to George W. Bush as "your new President ... I'm glad he's not mine," in an e-mail to his parents. In another message, he wrote, "I don't really want to see America again." No one can be forced to remain an American citizen. Anyone foolish enough to give up his birthright and join a foreign army of fundamentalist fanatics is permitted to do so.

The third principle is "passive personality," which lets nations punish certain crimes committed against their citizens overseas, even if the perpetrator is a citizen of another country. This seems to be the basis for charging Lindh with conspiracy to murder American citizens outside the United States. But this principle doesn't really fit Lindh either. Although he served in a foreign army, there doesn't seem to be any evidence that he specifically intended to kill Spann or any other American citizen. Moreover, if Lindh can be prosecuted on this theory, then presumably so can the non-American members of his unit. The Constitution prohibits "selective prosecution" on the basis of national origin. The government can't prosecute someone simply because he comes from an Islamic country. By the same logic, it shouldn't charge someone with a crime just because he happens to have been born in the United States.

And that, in the end, is the ultimate irony of the Lindh prosecution. By bringing charges against him in an American courtroom, the Bush administration might actually be doing him a favor. While Lindh is preparing for his court date this August in Virginia, many of the captured Taliban members he chose to fight with are being held in Guantanamo Bay—possibly facing trials by military tribunal or return flights to Afghanistan to be tried by the interim government.

The smart way to handle Lindh would be to treat him just like his former comrades. The government could do this by seeking a formal declaration that Lindh has voluntarily renounced his citizenship. That wouldn't be hard: In contrast with the charges in the indictment, which stretch existing law to the breaking point, the federal law governing loss of citizenship seems tailor-made for Lindh. It provides that American nationals lose their citizenship by voluntarily "entering, or serving in, the armed forces of a foreign state if ... such armed forces are engaged in hostilities against the United States" if they do so with the intent to renounce their citizenship. Lindh wouldn't be the first American to whom this law was applied: Federal courts formally stripped citizenship from Americans who fought with the Nazis and served in Fidel Castro's army, among others.

That's a better way to deal with Lindh than through trumped-up criminal charges. To paraphrase President Bush: Having joined the terrorists, Lindh now deserves to share their fate. ■

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The textile lobby v. the war on terrorism.

Fabric Softener

By FRANKLIN FOER

EVER SINCE HE signed on as America's ally in the war on terrorism, Pakistani President Pervez Musharraf has been asking for one simple favor in return: the suspension of U.S. tariffs and quotas on Pakistani textiles. And, last Monday, Musharraf finally got a definitive response to his request: No. On that day Commerce Under Secretary Grant Aldonas told Musharraf's deputies that the Bush administration would neither push Congress to cut tariffs nor raise quotas for vital Pakistani exports like cotton trousers. Instead, the administration's most substantive gesture was to temporarily "swing" quotas, a bureaucratic sleight of hand that would allow Pakistan to borrow unused quotas for American imports such as wool gloves (not a booming business in Karachi). The offer is worth about $140 million—one-tenth of the value of Musharraf's initial request. Not surprisingly, Pakistani negotiators considered it an insult. "The [Pakistanis] said that they had nothing further to discuss. They accused Aldonas of breaking promises," says one source familiar with the proceedings. "It got quite personal and ugly."

The Pakistanis had good reason to be angry. In siding with the United States against the Taliban—as well as the Islamists in his own country—Musharraf has gambled not only his presidency but also his life. In return, he's asked friendly countries for a little free-trade help. And, in most cases, he's gotten it: Turkey raised quotas for Pakistan in October. A few weeks later the European Union lifted all tariffs on Pakistani textiles, despite an outcry from its own textile industry; since the barriers were lifted, exports to the European Union have increased 42 percent, giving the Pakistani economy a much-needed boost.

It was widely assumed that the United States—which owes Musharraf a greater debt and crows more loudly about free trade than, say, the bureaucrats in Brussels—would follow suit. Indeed, just nine days after the terrorist attacks, U.S. Trade Representative Robert Zoellick wrote a *Washington Post* op-ed entitled "Countering Terror with Trade." But far from countering terror with trade, the United States has *reduced* its imports from Pakistan in the months since September 11. After the attacks, insurance companies began charging exorbitant premiums for shipments out of Pakistan; American textile buyers refused to venture into a potential war zone; and cold-footed manufacturers like Tommy Hilfiger, American Eagle Outfitters, and Perry Ellis reduced their orders. As a result, textile exports to the United States—about 80 percent of Pakistan's total U.S. exports—dropped by 40 percent. By December an estimated 48,000 workers had lost their textile jobs. That's 48,000 more Pakistanis with nothing to do but take to the streets, cheer on Osama bin Laden, and burn the American flag.

The Bush administration could have helped Pakistan recover. Had it raised Islamabad's textile quota this year, as insurance costs and security risks are diminishing, Pakistan might have been able to undo the post-9/11 economic damage. But the Bushies have done no such thing. The reason: the U.S. textile lobby. Even as the domestic industry for which it agitates slips gradually toward extinction—124 American textile plants closed or made substantial layoffs last year—the textile lobby continues to notch victories in Washington. Thanks to its pressure, Aldonas and his negotiators never went higher than their paltry initial offer. During the past six months alone, the industry has similarly helped squash proposals to grant trade benefits to Turkey, Uzbekistan, and Tajikistan—all key allies in the war on terrorism. In other words, the protectionist lobby of a dying industry has quietly become arguably the most effective domestic opponent of American foreign policy.

In the immediate aftermath of September 11, it looked like the administration would do the right thing. Alan Larson, under secretary of state for economic affairs, called American importers and urged them to stick with Pakistani suppliers through the crisis. Wendy Chamberlin, the U.S. ambassador to Pakistan, visited a factory in Lahore and announced: "The patriotic thing to do if you're American is to buy Pakistani products." By the time Musharraf met with Bush in New York last November, the White House had encouraged Kansas Senator Sam Brownback to introduce legislation that would give the president authority to slash Pakistani tariffs. And, in a series of conference calls, Larson rallied lobbyists from Warnaco, Wal-Mart, and other textile importers to support the legislation. "Importers didn't ask for help. The administration really initiated the whole process," says Julia Hughes, vice president of the United States Association of Importers of Textiles and Apparel.

For a while the cause seemed unstoppable. With the war in Afghanistan underway, Congress wouldn't have dreamed of opposing Bush-backed legislation to help Pakistan. And, while the Brownback bill took care of tariffs, the administration already had the authority to alter (or eliminate) quotas on its own—simply by having Commerce Secretary Don Evans file an announcement in the *Federal Register*. As North Carolina Representative Howard Coble, chair of the House Textile Caucus, conceded in the trade publication *Women's Wear Daily*, "It's going to be tough."

But Coble underestimated the power of his patrons. Founded in the 1950s by South Carolina mill owner Roger

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Milliken—an early and munificent benefactor of Barry Goldwater, Ronald Reagan, and Newt Gingrich—the textile lobby over time developed a prowess to match the oil and pharmaceutical industries. Comparatively, it doesn't have the deepest pockets. But it spends smart. Last fall, for example, the American Textile Manufacturers Institute (ATMI) acquired the services of C. Boyden Gray, George H.W. Bush's chief White House lawyer. And, while the industry's overall contributions are not as large as those of other special interests, it shrewdly concentrates them in its home Southern states. In the 1998 cycle, according to the Center for Responsive Politics, it poured more than $275,000 of its $1.4 million in contributions into House and Senate races in the Carolinas alone.

As a result, the industry's friends in Congress fight ferociously on its behalf. Last year Jesse Helms spent months blocking the appointments of four top Bush Treasury officials until he extorted a promise from the administration to work with him to create legislation that makes it harder to import fabric from the Caribbean. At the Office of the U.S. Trade Representative, Helms secured an appointment for his protégé Kevin Koonce as special textile negotiator. And, when Koonce stepped down in November, he was replaced by David Spooner—a former adviser to North Carolina Representative Sue Myrick, another stalwart of the textile caucus.

Caucus members and industry lobbyists brought that same ferocity to their fight against imports from Pakistan. In an October letter to the administration, Helms and South Carolina's Fritz Hollings warned: "These Americans [textile workers] must not be made pawns in efforts to build an international coalition." To whomever would listen, the ATMI's Charles Bremer accused importers of exploiting September 11 to promote their own bottom lines. "It is scarcely better than grave robbing," he told *The Miami Herald*.

BALANCED AGAINST THE war on terrorism and the administration's free-trade proclivities, the textile industry's efforts might not have carried the day were it not for a bit of fortuitous timing: The administration was discussing plans to help Pakistan at the exact moment Congress was considering the renewal of Trade Promotion Authority (TPA)—legislation giving the president license to negotiate treaties that Congress must vote up or down without amending. In normal circumstances, a vote on TPA renewal would have been razor-close, with just enough pro-business Democrats voting aye to make up for the protectionist Republicans who would vote nay. This time, however, House Republican leaders wanted to pass TPA *without* Democratic support. "They wanted to prove to the high-tech community that the Democratic Party is still controlled by unions," one lobbyist close to the House leadership told me. "They smelled a chance to prove that they're retrograde on economics and not really New Democrats." Or, as a December e-mail from the National Republican Congressional Committee taunted, "Will the New Democrats deliver...?" Rather than welcome Democrats into a pro-trade coalition, the Republicans ignored them. Ways and Means Chairman Bill Thomas gave his Democratic counterpart Charlie Rangel the cold shoulder. Compromises on child labor and the environment—the glue that held together the free-trade coalition during the Clinton years—never received very serious consideration. And so, as the vote neared, such dependable Democratic free-traders as Robert Matsui and Ellen Tauscher announced their opposition.

The problem with the GOP's strategy was that in order to pass TPA—and avoid an embarrassing setback for the administration—the leadership needed the nearly unanimous support of their caucus. And the one dozen or so Republican congressmen from textile districts aren't free-traders. So, with the blessing of the textile lobby, the textile congressmen began to extract as many concessions as possible. North Carolina's Robin Hayes put it bluntly: "We're a definite 'no' until we get some help on textiles." Specifically, they demanded that all textiles imported from the Caribbean be dyed and finished in American factories. And, of course, they insisted that the administration do nothing substantial to help the Pakistani textile industry.

In these efforts they had a valuable ally in Thomas, the powerful Ways and Means chairman whose California district contains some of the most productive cotton fields in the country. Despite his otherwise impeccable libertarian credentials, Thomas has supported some of the more protectionist pieces of legislation of the last 15 years, including the 1986 and 1987 textile protection acts. Negotiating at the November meeting of the World Trade Organization in Qatar, Aldonas reportedly told Pakistani negotiators that he couldn't lower tariffs on textiles for fear of angering Thomas.

The Bush administration's efforts to win over the textile caucus on TPA verged on the obsequious. Zoellick camped out in the offices of undecided congressmen. Bush telephoned caucus members and invited them over to the White House. And even then it wasn't enough. With minutes remaining in the vote, the administration sat on the edge of a 215 to 210 defeat. To pull out the last-second victory, they caved on everything—exactly the kind of legislative hostage-taking TPA is supposed to prevent. Brandishing a letter from House leaders pledging to limit the import of Caribbean fabrics, South Carolina's Jim DeMint switched his vote. Almost immediately, three other congressmen followed. Finally, Hayes—who later claimed the White House had promised him it would not hike Pakistani quotas—voted with his party, passing the legislation and sparing the administration a monumental humiliation. On the floor of the House, Hayes broke down in tears. According to *The Hill* newspaper, Tom DeLay walked over to put his arm around Hayes and assured him that he hadn't just sealed his defeat in the upcoming midterm elections.

BUT HAYES'S REFLECTION is by no means assured. He first won his seat in 1998 by 3,000 votes. And in the last round of redistricting, the North Carolina state legislature has made his political survival even more tenuous, adding 107,000 suburban Charlotte voters to his previously rural district. With Hayes's TPA vote, Democratic challengers sense blood in the water. As one of them, a lawyer named Billy Richardson, put it at a Charlotte forum in January, "Robin Hayes looked people in the eye and said, 'I'm not

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going to let them take your job.' And with his arm twisted and a tear in his eye, he did just that."

The fate of a single two-term GOP congressman such as Hayes might not mean much under normal circumstances. But, with a mere six-seat majority, Republican control of the House could rest on the survival of Robin Hayes. And the survival of Robin Hayes rests on his ability to hold the White House to its word on textiles—to create the impression that he bargained away his TPA vote for some major industry-saving concessions. To give Hayes the help he needs, DeLay has lobbied the White House to stick to its promises, according to an aide to a member of the Textile Caucus. At the House leadership's urging, last month Evans traveled to Hayes's district to announce the formation of an interagency working group that will devise plans for boosting the industry's competitiveness. And every time the Commerce Department makes noises about Pakistan, House Republicans raise hell. At the mere mention of Pakistan in a recent conference call with Aldonas, aides to textile congressmen exclaimed things like: "I can't believe we're even having this discussion." The campaign has worked to devastating effect, with Pakistan receiving just one-tenth of the assistance Musharraf requested—far from enough to offset its war-related losses.

The ATMI's Bremer is unapologetic. "We need to hold firm," he argues. "If we help Pakistan, a dozen more countries will come asking for the same. We won't have any reason not to give it to them." It's a plausible protectionist argument—except for one uncomfortable fact: In three years the World Trade Organization will phase out virtually all textile quotas. The United States agreed to this as part of the 1994 Uruguay Rounds of GATT, and even Bremer agrees it won't be reversed. In other words, the textile lobby has spent millions of dollars and interfered with wartime foreign policy to prolong a protectionist regime that's already slated for imminent extinction. Who are the grave robbers here? ■

The Bush administration's dubious envoy to Taiwan.

Pacific Whim

By JOSHUA MICAH MARSHALL

LATER THIS SPRING, if all goes according to plan, Taiwanese President Chen Shui-bian will receive a most unwelcome visitor: Mr. Douglas H. Paal. Just over a year ago Paal, a former East Asia and China policy adviser to the first President Bush, publicly lambasted Chen for a litany of failures. Chen had "stumbled" in his first months in office, Paal wrote in a widely noted column in the *International Herald Tribune*. His inability to "assemble a working coalition" had left him "floundering for a strategy to rebuild his authority. The ineptitude of his administration had the misfortune of coinciding with a downturn in the global market for Taiwan's high technology goods."

A few months later Paal was at it again. During last April's EP3 spy-plane standoff, President Bush had cheered Taiwanese officials and China hawks in Washington by pledging to do "whatever it took" to defend Taiwan from attack by mainland China. But, in mid-May, Paal beamed a teleconferenced speech to a Shanghai conference, in which he poohpoohed the apparent stiffening of U.S. policy, saying the president had "misspoke." He was equally dismissive of the president's tough talk on China during the election, describing it as "bumper stickers" and "campaigning slogans."

All of which makes Paal's impending arrival in Taipei somewhat surprising. Because if things go as planned, Paal will be there as director of the American Institute in Taiwan—America's de facto ambassador, given our unofficial relationship with the island nation. "I've been in this business for over thirty years, and I don't know of another instance where we sent someone out as a chief of mission who had publicly attacked the host country's chief executive," says Bill Triplett, a former chief Republican counsel to the Senate Foreign Relations Committee. "We're clearly plowing new ground here."

If Paal's appointment seems a bit awkward, it's likely because it was the best the State Department could make of a bad situation. After the 2000 election Paal touted himself for a major foreign policy position. And why not? Paal's associates from the first Bush administration are strewn across the second—national security adviser Condoleezza Rice, Assistant Secretary of State for East Asian and Pacific Affairs James Kelly, and Under Secretary of State for Global Affairs Paula Dobriansky, to name just three. "There are a group of people who worked with [Paal] on Bush I," says one Senate staffer, "who tout him as being a real insider on [East Asia] issues." Perhaps more important, Paal enjoyed the strong support of the first President Bush, to whom he'd grown close as the chief East Asia staffer at the National Security Council (NSC). "If you wanted to get word to the president, Doug was the channel you went to," says another Senate staffer who dealt with Paal on China policy in 1990-1991. "The rest of the people in the administration gave him a very wide berth well beyond his rank."

But, despite such connections, Paal was passed over for position after position—assistant secretary of state for East

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Asia, ambassador to South Korea—in the new Bush administration. When the appointment to Taipei was first floated last summer, according to sources close to Paal and sources close to the State Department, Paal was initially reluctant to accept it. (Because Taiwan hasn't enjoyed formal U.S. recognition since 1979, the job is seen as second tier despite its diplomatic importance.) Eventually, friends in and out of government convinced Paal that the posting could be a stepping stone to a better appointment in a Bush second term, so he agreed. But though the appointment has been considered a done deal in diplomatic circles for months, it has still not been officially announced.

Foreign policy hands say there is no shortage of reasons why Paal might have had trouble getting a high-profile appointment. As the man most identified with the first Bush administration's pro-China-engagement stance, Paal was bound to run afoul of China hawks inside and outside the administration—even before the 2000 *Herald Tribune* op-ed and Shanghai speech. Personality may also have been an issue. Paal is a big man with a big ego, as even friends concede. In his years out of government he adopted the trappings of a big-time Washington player, with $2,000 suits and a bearing to match. "When you look up 'fat cat' in the dictionary, you see Doug's picture," says one Republican Senate staffer. "Every time you see him, the cuff links are bigger."

Over the years Paal's sometimes abrasive manner earned him a number of enemies. One of these, Rice—whom Paal repeatedly slighted when both were on the NSC—is said to have frozen him out of the select group of foreign policy hands (the "Vulcans") who advised Bush during the campaign. "Condi is widely known for loathing Doug Paal," says one Republican congressional source.

But, given the prevalence of Bush I officials in the Bush II administration and the strong support of George H.W., it's unlikely that ideology and personal pique alone could have kept Paal out of the administration for so long. The real problem for Paal was that even his friends and former colleagues had questions about just what he had been up to during his years out of government. Specifically, they wondered about the Asia Pacific Policy Center (APPC), a boutique think tank Paal had spent his time out of government running. The APPC was exquisitely well financed. But under its think-tank veneer, it seemed to function more like a consulting or lobbying firm on the sly. Most of its funding, moreover, apparently came from foreign governments and corporations, some with rather questionable reputations. Which suggests one final reason Paal may have been tapped for Taipei: Unlike virtually any other diplomatic appointment, it requires no Senate hearings and no confirmation.

DOUG PAAL FOUNDED the APPC in 1993 with Anthony Stout, a storied Washington lobbyist-cum-entrepreneur with a reputation for running through other people's money in sometimes successful, more often disastrous, ventures. In the former category was the influential Washington weekly *National Journal*, which Stout founded in 1969 and sold for between $12 million and $15 million in 1986; in the latter were failed undertakings like the International Reporting Information Systems (IRIS), a much-hyped "private CIA" that swirled into bankruptcy in 1983; and the Battle of Normandy Foundation, a splashy charity devoted to inscribing the names of World War II veterans on a memorial in Normandy—which fell apart in 1993 when *The Washington Times* revealed that $7.6 million of the $8.2 million the foundation had raised was spent on travel, dining, and fundraising or diverted into the coffers of Stout's investment and lobbying company, GIM Corp. (The foundation's wall was never built.) Stout, who had a record of using his association with prominent politicians to lubricate his business ventures, wanted someone with foreign policy credentials and government access to help him launch a new venture, capitalizing on the go-go economies of 1990s Asia. Paal, meanwhile, wanted help funding a group that would pay him well and enable him to continue working on East Asia issues. So Stout provided the start-up money for the center and housed it under the same roof as his company offices, just as he had the Battle of Normandy Foundation, which was skidding into scandal just as he and Paal were getting the APPC off the ground.

The APPC's stated goal was "educating opinion leaders, students, business and organization executives and government officials worldwide on the US economic, political and security roles in the Asia and Pacific regions." And, on the surface, the center looked no different from the capital's countless other small think tanks. Paal made occasional appearances on respected interview shows like PBS's "NewsHour," penned op-eds, and appeared on panels at foreign policy conferences and symposia. But, over time, people in Paal's East Asia policy circles began to wonder whether the APPC might not be quite what it appeared. Although the center had a big budget and posh offices in downtown Washington, it appeared to do few of the things think tanks normally do: It published no studies; it issued no public reports or opinion briefs; and it hosted no conferences—at least none that were open to the public.

Indeed, on the inside the center functioned less like a think tank than a high-end consultancy or even a lobbying firm. According to former employees, the center's work was almost entirely geared to servicing the needs of its governmental and corporate funders—or "clients," as they were apparently often called. These funders received a weekly two-page newsletter on happenings in East Asia; they could also request more detailed reports on particular topics, meet with Paal to discuss important developments, or get introductions to key government leaders. Jonathan Clarke, who worked at the center for several months in 1994, described the APPC as a combination think tank and consulting firm. Clarke describes the attraction Paal held for funders this way: "We want you to be able to make public speeches because we think you endorse a line that we approve of. And we want you to be able to conduct that in the public domain. So we will sponsor you sufficiently so you can have an office and put out policy papers. And in the meantime you can also keep us informed in the classic consultancy type of role ... tending more in the consultancy direction, but sort of a hybrid." Only the APPC didn't publish policy papers. Its entire existence seemed geared to arranging private meetings and giving

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advice, with the nexus between services rendered and money paid drawn exceedingly tight. "Members were paying for that information through their membership," remembers another former employee. "There were guidelines ... there was a fee structure."

PAAL, IN OTHER words, was doing much the same work as countless other former government officials: advising clients on U.S. government attitudes and policy; advocating their interests with important people in Congress and the executive branch; and using his clout and connections with powerful people to provide access for those who paid him. The difference was that Paal was doing this from behind the front of a publicly subsidized, nonprofit educational institution—what the IRS calls a 501c3. Running a nonprofit like a business—with clients and services and fees—pushes the envelope but doesn't itself violate the law. But a nonprofit must provide *some* service or information to the public. "You have to have some kind of public purpose, some sort of public undertaking," says Jack Blum, a tax attorney and white-collar-crime expert in Washington. Paal's center arguably had none.

A nonprofit organization such as the APPC is also required to have a board of directors that oversees its activities and finances. But, in the case of Paal's center, that oversight seems to have been lax if not nonexistent. The APPC's 2000 tax filing lists four "directors" of the organization: former Indiana Governor and onetime Ambassador to Singapore Robert D. Orr; former Secretary of Defense Frank Carlucci, now chairman of the Carlyle Group; former Congressman Dave McCurdy; and Brent Scowcroft, now president of The Scowcroft Group and Paal's onetime boss at the NSC. But, of the four, only Orr appears to have been aware that he was listed as sitting on the board of directors. Contacted in January, Carlucci said he thought he was merely on an advisory board for the APPC, adding "I don't think we've ever had a meeting." Scowcroft declined repeated requests for an interview, but his spokesperson said she did not believe Scowcroft sits on the APPC board. And McCurdy, who also declined repeated requests for an interview, said through a spokesperson, Kerry Fenelly, that he had told Paal "three or four years ago" that he could no longer be involved with the center. "[McCurdy] thought they had disbanded," said Fenelly. The rules for how often nonprofit boards must meet are somewhat hazy. But the fact that three out of four board members were apparently unaware of their status raises the question of whether the part of the APPC's tax filing naming them as board members was in fact untruthful.

At various points over the course of the '90s Paal rubbed up against others in foreign policy circles who got a sense of what his real business was. In 1995 Paal had preliminary discussions with the heads of the Nixon Center—a smallish D.C. foreign policy think tank founded as an offshoot of the Nixon presidential library—who were interested in hiring him as a China policy expert. Paal wanted to bring his center and its funding with him. But the Nixon Center balked after finding out more about the APPC's mission and finances. Dimitri Simes, president of the Nixon Center, said they opted against the merger because Paal's organization was "much more involved in the consulting business" than the Nixon Center was. The APPC's work was "more commercial" than the Nixon Center was comfortable with, said another source close to the discussions.

AND IF THESE questions about the APPC's activities weren't troubling enough, there were even bigger questions about its funding. In Washington foreign policy circles, many believed that Paal took much if not virtually all his money from foreign entities—governments and corporations—eager to purchase his services. (Foreign funding also concerned the Nixon Center.) "Anybody that says that—unbeknownst to them—[Paal] was on the payroll of the Malaysian businessmen ... the Singaporeans, is stupid," says one senior Foreign Relations Committee staffer who worked in the Senate in the '90s. Paal wasn't as crass or as blunt as your run-of-the-mill foreign lobbyist. "He was a bit more intellectual and sophisticated," adds the staffer. "He would explain why the Singaporeans deserve less criticism."

The APPC's funding history remains shrouded in secrecy, since 501c3s are not required to disclose the sources of their support, and Paal has generally declined to do so. (Paal did not respond to repeated requests for an interview for this article.) The only public documents in which any disclosure details are available are the center's IRS filings from 1998, 1999, and 2000. (Nonprofits are required to make their last three years of filings available to anyone who requests them.) In 1998 and 1999—years in which the center said it raised $484,000 and $362,000 respectively—it cited only one "substantial contributor" on its filings: the Embassy of Singapore. In neither case was an amount disclosed. In 2000, however, the APPC's filings were a good deal more transparent, and they showed that the overwhelming majority of its funding came from foreign sources. That year, with contributions apparently drying up, the APPC raised just $166,000; listed on the filing as "substantial contributors" were four entities and the amounts of their contributions: the Embassy of Singapore ($48,000); a Japanese company called Mitsui Marine Insurance ($30,000); the American subsidiary of another Japanese company, Itochu Corporation of America ($30,000); and the Japan External Trade Organization (JETRO), a quasi-governmental entity run by the Japanese Ministry of Economy, Trade and Industry (METI), a rough equivalent of the U.S. Commerce Department ($30,000).

Tadao Yanase, a METI representative who works out of the JETRO office in New York, confirmed to THE NEW REPUBLIC that he had arranged for JETRO to pay the center $30,000 per year in 1999, 2000, and 2001 for the "opportunity to exchange views with Doug Paal" and to receive the center's newsletter and the occasional specially prepared paper. Yanase declined to comment about any payments prior to his arrival in New York in 1999. But another source familiar with the center's relationship with METI said the arrangement had been carried on by Yanase's predecessors going back to the APPC's 1993 founding. (The Embassy of Singapore declined repeated requests to discuss its funding of the APPC.)

Under the Foreign Agents Registration Act, individuals who represent or advocate on behalf of foreign entities—be

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they governments, individuals, or corporations—must register with the Justice Department as foreign agents. Individuals whose activities are directed by or done on behalf of a foreign entity must register. But the Justice Department also uses substantial dependence on foreign funding as one key factor in determining the existence of direction and advocacy. In a private briefing during the campaign finance/foreign donor scandal in 1997, Justice Department lawyers told Senate staffers that the Justice Department used 25 percent of funding as a benchmark for making this determination. In the year 2000, at least, Paal's center was clearly substantially dependent on foreign funding. And according to congressional staffers and other sources who observed Paal's activities in Washington in the '90s, he should have fallen under the representation and advocacy definition as well. Nonetheless, Paal has never made a foreign agency registration.

THE FOREIGN RELATIONSHIPS that have raised the most questions concerning the APPC, however, involved political and business elites in Malaysia. Even before he helped Paal found the APPC in 1993, Tony Stout had been pursuing business opportunities in Malaysia. He had a particular interest in the country's massive state pension fund, the Employees Provident Fund (EPF)—which Malaysian law had required to be invested within the country. Stout was lobbying Malaysian officials to open the fund to investment outside the country and, hopefully, to give him authority to manage one of the accounts. But Stout's real aim was grander still. As Stout described it to one senior American diplomat in the region, he wanted an arrangement in which he and his investors got privileged access to business opportunities with Malaysia's wealthiest ethnic Chinese industrialists and financiers. In exchange he would bring influential American politicians to spend time with them in Malaysia. "He wanted basically, as far as I knew, to get his hands on big bucks," remembers the American diplomat. "The first thing he went after was, as he put it, the 'Chinese money' ... the largest Chinese business people [in Malaysia].... It was always, however, at the same time this idea of bringing over senators ... and doing this policy kind of stuff. That was built in from the beginning."

Stout and Paal began discussing Stout's plans even before Paal left the government. And, almost as soon as Stout and Paal founded the APPC, they began organizing a series of annual conferences called the Pacific Dialogues, which would bring a delegation of U.S. senators to Malaysia—something that looked very much like the plan Stout had been hawking in Malaysia beforehand. Roughly once a year from late 1994 to early 1998, in conjunction with two government-affiliated Malaysian think tanks, the center organized elaborate three-day conferences that brought together the prime minister and deputy prime minister of Malaysia, various government ministers from other East Asian countries, and a delegation of U.S. senators and American CEOs.

Paal hired a recruiter, James F. Kuhn, who aggressively worked the Senate each year putting together a delegation of a half-dozen or more senators to attend the conference. He also had key assistance from then-Senator William S. Cohen, the politician most associated with the venture. Stout had a reputation for junketing politicians, and Cohen was the most conspicuous example. Earlier, the Maine senator had cosponsored a bill that gave $3 million to the later-disgraced Battle of Normandy Foundation, and he accompanied Stout on at least one of the trips Stout made to the region in the early '90s—a conference Stout organized in Australia—to lay the groundwork for his Asian ventures. After 1993 Cohen's close connection to Stout passed seamlessly over to the APPC and Paal. When the APPC opened, Paal hired Cohen's son as the center's program director, and Cohen played a key role in persuading other senators to attend the conferences. Reflecting back on why he attended the November 1996 Pacific Dialogue, former Republican Senator Slade Gorton of Washington said, "I went to that conference because of *Bill Cohen*."

The conference's stated purpose was to foster ties of mutual understanding between the United States and Malaysia. And, according to various participants, the meetings had all the trappings of a high-minded affair. They showcased Deputy Prime Minister Anwar Ibrahim, who was then widely seen as the successor to Prime Minister Mahathir Mohamad. Attendees might take in a panel co-chaired by Cohen, Henry Kissinger, or Anwar on topics like Pacific security or global currency markets, or rub elbows with Paul Wolfowitz. Stout and his business associates, of course, were also attendees.

But, even for those unaware of the Stout connection, the Pacific Dialogues raised eyebrows. International conferences where political and corporate types get together for high-minded chitchat are not uncommon. But these were unique. Like the rest of the APPC's work, the Dialogues were conducted in an atmosphere of exclusivity and secrecy. According to then-U.S. Ambassador John Malott, Paal not only barred the press from covering them; he even barred Malott himself from attending—something another senior American diplomat called "unbelievable."

In Malaysia it was widely believed the conferences were a vehicle, funded by Anwar and his wealthy associates, to get intimate access to U.S. senators and burnish his image in Washington. As far back as the early '90s friends of Anwar had been looking for a politically connected American to represent the deputy prime minister in Washington, and Paal seemed to have become that man. "There's no getting away from the fact that these [conferences] were a vehicle for Anwar Ibrahim," says one Malaysian close to the country's government and business leaders. And in the U.S. Congress the perception was much the same. "They were co-hosted by Anwar Ibrahim," said another senior Senate Foreign Relations staffer. "It was no secret that the government of Malaysia was funding [these events]."

Eventually, allegations arose suggesting that the APPC may have received more funding from the Malaysians than virtually anyone imagined. By the late '90s Anwar was growing impatient for his old mentor Prime Minister Mahathir to step aside, and so began a subtle campaign to nudge him into retirement using the banner of economic liberalization and democratic reform. The aging Mahathir sensed what was afoot and struck back with a vengeance, sacking Anwar from

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his posts as deputy prime minister and finance minister; later he had him arrested on charges of corruption and sodomy. In late 1999, after one year of legal proceedings against Anwar, one of the witnesses against him—a former state bank executive named Abdul Murad—accused of him of controlling a series of private slush funds used for patronizing friendly organizations, settling the debts of political friends, and, of course, enriching himself. Murad alleged in his affidavit that he had been "responsible for arranging USD 10 million in contributions to APPC and Douglas H. Paal on ... Anwar's instructions." Murad said he believed that businessmen friendly to Anwar had also donated an unspecified amount to Paal and the center. "Although I cannot ascertain the exact quantum of their contributions," he continued, "I am convinced they ran into millions of US Dollars. APPC and Douglas H. Paal are one of the main vehicles used by ... Anwar Ibrahim to promote his image in the Western countries, mainly in Washington, USA and the United Kingdom and other European nations. APPC also lobbied strongly for ... Anwar Ibrahim with the international media organisations." Finally, Murad leveled yet another charge that tied Paal's center back to Stout's earlier efforts to get access to the EPF. Anwar had, according to Murad, "insisted that APPC should manage [Murad's bank's] reserves of RM50 billion [between $12 billion to $16 billion] and the EPF fund in return for the services provided to him by APPC. Alternatively a hefty fee of USD 3 million was to be paid annually to APPC for the cost of running the Centre in Washington."

Anwar's trial was a thoroughly political affair, and Murad's own credibility is suspect. (He was himself trying to escape punishment for a series of alleged financial improprieties, though these charges were arguably as politically motivated as those against Anwar.) But, whether or not Murad's charges are true, they could open an uncomfortable line of questioning for Paal. Although Paal has publicly discussed his financial relationship to Anwar on a couple of occasions in the last few years, he has avoided the kind of detailed examination that would likely accompany, for example, an appearance before a Senate confirmation committee. Midway through Anwar's legal ordeal in June 1999, in testimony before Congress defending the former deputy prime minister against the charges being leveled against him in Kuala Lumpur, Paal conceded that the Pacific Dialogue conferences had "generated revenues for my Center and others through donations from Malaysian, as well as American, Japanese, and other corporations." He didn't say, however, how much money the Dialogues had brought in. When questioned about Murad's charges by the Malaysian National News Agency, Paal "disputed the amount cited by Murad claiming that the sum he had received from Anwar and friends was far less than US $10 million." But he again declined to say just how much he received.

Whatever the details of the APPC's relationship with Anwar and his supporters, the deputy prime minister's fall from grace clearly helped bring the APPC's high-flying days to an abrupt end. A Fifth Pacific Dialogue, planned for December 1998, was canceled as funding for the conferences dried up. In 2000 Paal's center took in just $166,000 in contributions—about one-third as much as two years before. During that year, as in others, the APPC produced no publicly available reports, publications, or events. The center had provided Paal a convenient sinecure but left him ethically suspect. "I'm not saying he consciously set out to break the rules," says one Washington-based Asia policy expert who has known Paal for years. "I think the guy set out to build an institution and found the only ones who were willing to pay him were those people he was willing to provide access to and provide special favors for and to represent.... But when you [want to return to government] and you've violated key fundamental rules, it forces fundamental questions about your judgment."

KNOWLEDGE OF PAAL'S ethical problems has been largely confined to the Asia policy analyst community and his circle of friends from the first Bush administration. When Paal was first floated for the Taiwan assignment last summer, the choice was controversial mostly because of his soft-line stance on China and questions about his loyalty arising from the Shanghai speech in which he'd implicitly criticized the president. China hawks in Congress complained to the State Department and the office of the vice president, while others from outside government went to presidential adviser Karl Rove, who placed an informal hold on the nomination. But ultimately Rove backed off under pressure from Assistant Secretary of State for East Asia James Kelly and Stephen Hadley, Rice's deputy at the NSC. "Kelly went to Hadley and convinced Hadley," explained one Republican congressional source. "And Hadley went to Rove and said, 'You're going to have to fight this one to the death.' And Rove decided that he wanted to fight on other things another day."

By late January, Asia-watchers in Washington were as perplexed about why Paal's appointment was taking so long to be announced as they had been about why he had been chosen in the first place. There were rumors of difficulties with Paal's background check. But most assumed that Kelly, who had worked with Paal at the NSC, would force the appointment through. "The only thing I know for sure is that Kelly won't take no for an answer," says one congressional opponent of Paal's appointment. Kelly's reasons, however, appear more complex—a response to pressure emanating from the president's father and concern by officials at the State Department that, if the Taiwan posting doesn't go through, Paal might be forced on them in some other diplomatic capacity. "I don't think really that [Deputy Secretary of State Richard] Armitage and Kelly were enthusiastic about [Paal's appointment]," says another Republican congressional source close to the key players at State. "Kelly is afraid that forty-one is going to go to forty-three and impose Doug on him as ambassador somewhere [else] in the region.... He's scared to death.... Suppose you put him in front of a committee and have them asking him unfortunate questions."

As of late February, however, it seems Kelly will never have to. According to the latest report available, Paal is scheduled to take up his post as President Bush's chief representative in Taiwan this spring. ■

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Stanley Kauffmann on Films

Making It Real

A FRIEND OF MINE—a book publisher, as it happens—once said that in the late 1930s, political thrillers such as those by Eric Ambler and Geoffrey Household did more to alert people to the dangers of fascism than the news media did. Obviously a dubious proposition, this pre-television remark had at least a tingle of truth because it was part of the last century's march toward the conversion of all human experience into entertainment. (Remember Michael Arlen's 1960s phrase for Vietnam: the Living-Room War.) Long ago it was said that the public didn't believe an event had happened unless it was reported in *The New York Times*. How quaint that line sounds now. Nowadays it hasn't happened until there is a television special about it (news reports, usually skimpy, don't count) or until it has reached the peak of verification—as the subject of a fictional film.

A few weeks ago President Bush said that North Korea was part of the latter-day "axis of evil." Now we know it is true, because a thriller has just arrived from South Korea that elaborates and heightens the Bush pronouncement. **Shiri** (Samuel Goldwyn) tells us that South Korea must constantly be on guard against North Korean secret agents who are ruthlessly attempting violence to undermine the democratic republic. The Northern government wants to topple the Southern government and unite the peninsula. "Unification" is the secret agents' battle cry.

The film's story is as credible as most of the Soviet-agent stories that we weathered for years. My publisher friend probably would have seen that films are now more immediate than novels and would have conceded that *Shiri* will probably do more to alert Americans to internecine Korean struggles than journalism has yet done. This is neither a triumph for film nor a blow for journalism: it is simply further evidence that the distillation of fact into show biz progresses via all available means.

"Shiri" is the code name of a Northern plot that features a young woman, a sort of Tiger Lady, who is ingeniously installed in Seoul. Very early we get plenty of evidence of her cool murdering, and in time we are considerably surprised when we learn who she really is. She works with a group of special agents headed by a man who is even more cold-blooded than she is. The plot winds toward a soccer game in Seoul that will be attended by both the North and South presidents, at which a secret, ultimate explosive is to be detonated. The screenplay—written by the director, Kang Je-Gyu, who is generally good at both jobs—still cannot solve the basic problem of world-destruction scripts. The fact that we are there watching the film is a sizable tip that the plot will fail.

Shiri is the first Korean picture that I have seen, and in filmic terms it disappoints because it is so good—at being non-Korean. Nothing in its making differentiates it from a slick American or British thriller. Kang and the cinematographer, Kim Seong-Bok, and the editor, Park Gok-Ji, have studied Hitchcock, Carol Reed, John Huston, etc., and have made a picture that, in style and structure, is Western. Cinematically, *Shiri* is one more instance of globalization.

Still, the film tries to make the Communist agents something more than off-the-shelf heavies by letting them voice their motivation. The chief agent keeps growling about the waste and luxury of the South while up north there are women and children who subsist on roots and bark. Of course this raises the question—unasked—of why he wants to bring a government here that will make the South do the same, but at least the screenplay makes him and his team more than puppets of motiveless malignancy or of stock lust for conquest.

And this is the one distinction of **Collateral Damage** (Warner Bros.) as well. The villains here are Colombian guerrillas who commit a terrorist act in America and plan another because they want this country to feel some of the violence they are enduring back home. They will continue, they say, until we withdraw our troops and agents from Colombia and let them settle their own troubles. These two motives don't quite conjoin, but—again—at least they brush away the sorts of plastic opponents that James Bond used to face.

I went to *Collateral Damage* for two reasons. First, I thought it was time to have another look at Arnold Schwarzenegger, who lumbers on. And on. He no longer has his old swagger ("*Hasta la vista*, baby"), but he is still both a hunk and a pathetic actor. A century ago there was a vaudeville act called the Cherry Sisters, of whom it was said that they were so bad they were good. Schwarzenegger, however, isn't even that bad: he is in muscular limbo. Yet he plows on, dragging the picture behind him.

Second, this film was supposed to be released last November but was postponed because of September 11. I wanted to see why. Not difficult: a terrorist act blasts Los Angeles, and another one is planned to destroy government buildings in Washington. The commonest wisdom about the World Trade Center disaster (which I witnessed from two miles away) is that it was like a movie—a real-life horror film. To see *Collateral Damage* is to recognize that one function of the film medium throughout its history has been to utilize disaster so busily that in the course of time some of its fantasies will come true. Real horror will occasionally and eventually cross the film world's special-effects path. But one surety that this kind of picture will provide is that here justice will always be done.

The doing of justice in *Collateral Damage* is, as usual, in the hands of one man: Schwarzenegger, who loses a wife and a small son in the L.A. blast and goes down to Colombia to find the man responsible. The screenplay by David Griffiths and Peter Griffiths obeys the lynch law of the genre: an individual will make up for a government's failure. In Colombia, Schwarzenegger encounters a young woman and her small son, a symmetry to balance his own losses. (Francesca Neri, lovely, is the woman.) Surprises follow, but the inevitable OK finish prevails, and we are left, or are intended to be left, wishing that Arnold were God.

A venerable truism about film is that a star is not necessarily a good actor and vice versa. Kenneth Branagh's career underscores that truism cruelly. His first two Shakespeare films, particularly *Henry V*, were for me among the few valuable ones in the field. Branagh is an exceptionally gifted Shakespearean with an ungassy, apt ability to speak verse and with the power to act Shakespeare. But, as his subsequent films disclose, he is very much an actor, not a star: he has

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none of the radiance or appeal that can fill out shallow material. He proves it yet again in **How to Kill Your Neighbor's Dog** (Artistic License). In this pallid comedy, pallidly announced by its title, written and directed by Michael Kalesniko for no discernible reason, Branagh is a once-successful playwright who lives in Hollywood, though he does not write for pictures (a sample of what the film thinks is a great twist). To say that the story reaches no conclusion, never explains why it exists, is to compliment its nullity. Branagh is flavorless in a script for which he was to supply the flavors. The picture blazons yet again that he is an extraordinary actor who thrives only in extraordinary roles. ■

Jed Perl on Art

Colors

One of the first lessons that you learn if you want to be a painter is that it takes only a few basic colors to mix just about any conceivable color. And once that fundamental skill has been acquired, mixing colors, which is well nigh impossible for the uninitiated, becomes practically automatic, almost as easy as riding a bike. As for what colors can do, singly or in combination, this only becomes more mysterious the longer an artist works.

Much of the mystery is buried deep in the nitty-gritty of technique. The impact of color, the very nature of color, is experienced in relation to other colors and also in relation to a medium. A certain red pigment, for example, will make an utterly different impression if it is presented in a water-based or oil-based medium, in a scumbled or impastoed fashion, as a mark left by a stick of pastel, as ink printed from an etching plate or a woodblock, or in a Cibachrome color print or on a computer screen or as a DVD projection. And all of this still leaves aside the emotional or poetic or psychological ramifications of colors—the question of what this red or that blue suggests or does not suggest, and to whom, and under what conditions. Color, which most of us begin life by regarding as one of the verities, red-yellow-blue being as fundamental as the ABCs, can eventually seem to be an experience of the most radical subjectivity. Artists aim to give that coloristic subjectivity a power that is both immediate and enduring.

A walk through New York's galleries will tell you that there are a vast number of ways in which color can be presented to the public. A look through the impressive literature on the development of color in art, which has been growing rapidly in the past decade, will tell you that history prepares us for this situation. Painters who want to pull emotional nuances out of subtly mixed colors, as Leon Goldin and Ian Tornay were both doing in one-man shows earlier this season, will be said by some to be nostalgic for the tonal modulations of another age. Readers of John Gage's extraordinary studies—*Color and Culture* (1993) and *Color and Meaning* (1999), both published by the University of California Press—will be reminded that the interest that Goldin and Tornay, in their very different ways, take in the power of shaded tints to echo or to parallel times of day or shifts in seasons is a theme that winds through the history of color. Although we may be inclined to think of "modern" color as abstract color—as color that is detached from representation—it can be argued that abstract color is at least as old as naturalistic color, embracing both the heraldic imagery of the Middle Ages and the polychrome architecture of ancient times. It is the great virtue of Gage's studies that in treating the history of color as a series of distinct yet interlocking themes rather than as a single narrative, he manages to suggest that all sorts of historical approaches to color remain alive as possibilities for artists.

Nowadays color, which reaches us in so many kinds of keyed-up, eye-popping technologically generated forms, can seem more a matter of "culture" than of "nature." The zingy, cheerfully artificial color that Jeremy Blake uses to considerable effect in the kinetic flood of images that fill his DVD projections is self-evidently computer-based. There are also many painters who, while working with brush and canvas, like to mirror the riot of contemporary color. Trevor Winkfield, who showed new paintings this winter, will strike some gallerygoers as an artist who never met a color he didn't like.

But no matter how giddily artificial a color is, to the extent that this color holds our attention we will find that we are naturalizing it in the very process of taking it in with our eyes. Artists such as Blake and Winkfield may seem to think of colors as suggesting cultural moods or period styles—a psychological hedonism, say, or a 1940s small-town melancholy. Other artists may want to hold off those allusions in favor of a kind of coloristic absolutism. Even those who might want to argue that strong, brilliant colors are the essence of color will have to contend with the fact that the primaries as we know them were only generally agreed upon some four hundred years ago. According to Pliny, many ancient painters believed that there were four basic colors, and worked with a palette limited to white, yellow, red, and black.

That colors have careers, even destinies, is a theme of Michel Pastoureau's new book, *Blue: The History of a Color* (Princeton University Press). In this lavishly illustrated essay, Pastoureau traces the fortunes of blue from ancient times, when it seems that many writers did not even rate it a place in the rainbow, to its present triumphant position as just about everybody's favorite color (an assertion substantiated by marketing surveys). Pastoureau means to write a cultural history of color, and he is good on the development of blue dyes in the Middle Ages and its connection with the appearance of the blue robes of the Madonna, beginning in the twelfth century. After a while, though, Pastoureau, who is director of studies at the École Pratique des Hautes Études in Paris, seems to confuse the history of blue with the history of France.

The illustrations in Pastoureau's book can be more suggestive than the text. When I turned from those blue Madonnas to the cerulean air of Vermeer's *Woman in Blue Reading a Letter*, I began to wonder if the blue that envelops Vermeer's (and also some of Ingres's) heroines and gives them their otherworldly calm might in some allusive way echo the azure glow of the medieval Madonnas. Neither Pastoureau nor Philip Ball—whose new book, *Bright Earth: Art and the Invention of Color* (Farrar, Straus, & Giroux), is strongest on the science of color—can match John Gage when it comes to accounting for the individual artist's interpretive powers. Yves Klein, the

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French artist who in the 1950s came up with the idea of patenting a synthetic color and calling it International Klein Blue, appears near the end of Pastoureau's book and at the beginning of Ball's book; but his all-blue paintings, which are actually contrivances that take the life out of color, suggest that blue's career can at times degenerate into a form of careerism.

WHEN ARTISTS TAKE an interest in a particular color or range of colors, they are picking up the story of a color or colors, and hopefully becoming a part of that story. The appeal of green, at least in recent years, may have something to do with a sense that this color has a twilight allure. Green had a heyday in the nineteenth century, when landscape was the core of artistic revolution, and this nature tint par excellence has been making a series of farewells since Cézanne, in his later landscapes, began to give his foliage a veil of dimming-the-lights blue. Which does not mean that green cannot return. This winter the Sperone Westwater Gallery, for many years located on Greene Street in SoHo and soon to move to Chelsea, saluted green's paradoxical modern status with an ingenious group show called "Green on Greene." In a catalogue essay, Robert Rosenblum invoked Mondrian's legendary rejection of green. Of course Kandinsky and Klee always used greens of one kind or another, and when these abstract artists took an interest in a bucolic hue they could not but be attuned to its "naturalistic" qualities, for green always suggests shadings, modulations, moods.

The selection of artists in "Green on Greene" stayed close to a big-shots-of-current-art roster. Gerhard Richter, Bruce Nauman, Susan Rothenberg, Jasper Johns, Ellsworth Kelly, and Richard Tuttle were among the artists included. While no single theme emerged, a visitor did have the impression that the "return" of green in these very late modern or post-modern times has something to do with the color's ambiguous nature, with its susceptibility to all kinds of emotional colorations. If green seems the most fraught of all colors, this may be because we remain saturated in the Romantic vision of landscape as a mirroring of our moods.

In books such as Gage's and Ball's, you can look up colors in the index as if they were people, and what you sometimes find are what might be thought of as character studies. Gage tells us that there was a line of thinking in the Middle Ages, going back to ancient times, that green had a healing quality. He quotes a thirteenth-century English encyclopedia to the effect that green "draweth and conforteth the yhen [eyes] to byholde and loke theronne, and restoreth and conforteth the sight"; even "wilde bestes loveth and haunteth grene place." Ball quotes a seventeenth-century English manual of painting that explains how to mix "a deepe and sad Greene," using "Indico and Pinke."

ARTISTS MAY WORRY about seeming hopelessly sentimental if they speak of the therapeutic or emotional qualities of colors, but some of those old characterizations might be used to describe the work of a painter such as Leon Goldin, in whose recent paintings at the Kraushaar Galleries green seemed to be some sort of core or essence or *summum* around which browns, grays, blues, and reds exerted their own manifold qualities, their capacity to "restoreth and conforteth," or to be "deepe and sad." Goldin's paintings have a reined-in sensuousness; they are elliptical nature poetry. In some works on paper done in charcoal and pastel, a medium that is as close to pure pigment as an artist can probably come, there are clear yet very abbreviated evocations of tree limbs, rocky outcroppings, foliage, slivers of sky. In Goldin's paintings, the nature references become cryptic and fragmentary and compressed. These canvases, four or so feet high, have a muffled symbolist power, with the slightest fragments of visual language—a curved form, a square of blue, a strong vertical—suggesting leaf, sky, tree. Goldin's color is so dense and rich that we are constantly being reminded of the making of paint, of the grinding of pigments, of the mixing of oils. I particularly admired *Opening* and *Morning*, two works from 1999. This artist, now in his late seventies, creates austere effects, a kind of astringent emotional weather, out of the very messiness of color.

Ian Tornay, a painter at least a generation younger than Goldin, approaches landscape more directly, in the sense that he paints out of doors, his easel set before the motif. Working in the countryside of northeastern Pennsylvania, Tornay brings a quiet turmoil to the green-grays and gray-blues of fields and cloud-filled skies. The very mixing of his colors suggests a churning power. The colors are often "off": they have a surprising, uneasy edge. Tornay also paints townscapes with a shambling charm, but it is in the green-on-green vistas in this show (which was at the Bowery Gallery in the fall) that something personal begins to emerge.

Tornay's paintings are not immaculately composed. The balance of sky and earth may not be quite right; a foreground may not be organized with a clarity sufficient to draw our eye into deep space. These occasional structural vagaries are related to the expressionist thrust of the work. There is something unruly, something anti-geometrical, about Tornay's sensibility; he puts me in mind of the stormy-weather tradition in English landscape, from Turner and Bonington and Constable to Kossoff. His color orchestrations suggest not fulfilled color, but color that yearns to be fulfilled. This artist is no paint-flinger; he handles the painterly brush with a discretion that underlines a muscular energy. Tornay is always pushing his greens deeper, always pushing them harder, until they achieve an uneasy Romantic resonance.

WHAT SOME MIGHT dismiss as the conservatism of Tornay's or Goldin's work is a function of their belief that the mixing of colors is an artistic Genesis story. And since this is only a story, it does not matter that by now we know that the mixing of colors on a palette is a creation metaphor with the loosest relationship to reality. It was Newton who demonstrated, as Gage explains, that "*all* rays in the spectrum—including green, orange and violet—were independently colour-bearing and could not be seen as mixed from any other colours; hence the number of 'simple' or 'primitive' colours is infinite." This idea that all colors are equally fundamental places the artist in a role closer to that of a juggler than a creator; or perhaps the point is precisely that the modern creator is a juggler. In any event, by the end of the nineteenth century bright unmixed color was being defined as "advanced" color. (Before we assume that there is something inherent about this connection, though, we should remember that Caravaggio's hard-bitten realism, which some say heralded modern art, was a revolution that aimed to cast bright color in an enveloping shadowy environment.)

The dazzle of full-strength color that we tend to think of as modern color is in large part a product of commercial culture—of the proliferation of synthetic dyes and pigments; of the breakthrough in color printing that involved the development of three-color and photomechanical processes; and, later, of the explosion of color photography. This revolution, which had its beginnings in the late nineteenth century, immediately inspired a new chromatic intensity in the work of artists such as Van Gogh and Seurat, but there have been other reactions as well. Chromophobia, a term that Pastoureau uses in discussing the Protestant resistance to the brilliantly colored décor favored by the Catholics, also has modern implications.

The Babel of modern color, which artists can regard less as a miracle of science than as a phenomenon of culture,

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even of pop culture, is something that many artists have wanted to keep at arm's length. Much avant-garde taste can be described as chromophobic to one degree or another. Picasso's and Braque's cultivation of a palette of browns, tans, and grays, at least during the early Cubist years, might be read as a protest against the extravaganza of commercial color. And one might even argue that Mondrian's primaries and black-and-white reflect a kind of restrained chromophobia, a desire to rein in the Babel of colors. In our own day, Ellsworth Kelly is an austere chromophile. His great swatches of color compete with the jumbled high-tech rainbow of contemporary color, but they do so by criticizing pop culture's haywire extravagance.

IF THE WESTERN tradition once struggled to generate colors, a more interesting question just now is how to restrain them, and it is a question that takes on considerable urgency for artists who are attracted by the giddy variety of color that is available on the computer screen. What holds me in Jeremy Blake's abstract DVD projections as in no other computer-generated images that I have seen is the sense of delectation—the quick-witted hipster's connoisseurship—that he gives to wild, zesty, audaciously artificial color. (Blake was included in "BitStreams," last year's Whitney survey focusing on the computer and art, and he is in the Whitney Biennial this spring.) At Blake's show at Feigen Contemporary earlier this season, the gallerygoer sat on a bench before a wall on which three separate projectors threw a great flood of images, mostly abstract, that shifted and melted, one into the other. Blake adapts a good deal of his imagery from the abstract painting of the 1960s and 1970s; he likes to anthropomorphize paintings, so that you have the impression that you are watching Morris Louis's pours of color coming into being, an effect that I find more interesting than Louis's paintings themselves.

Blake's images unfold gradually, with geometrical and free-form shapes summoned seemingly out of thin air; but there is a quickening pace to the whole, a sense that there is more to look at than you can easily take in. Blake's triple screen makes for a lot of activity. Just as I am feeling completely caught up in an in- and out-of-focus array of wobbly-edged lozenge shapes, like stylized butterfly wings, I find my attention shifting to what's taking place on another screen. And Blake is not rigid about what he includes. There are representational elements, including some footage of a woman in a white dress whirling round and round, as well as an image of a sort of gothic fairy-tale castle. The style of the work is clean, with lots of white to give the colors a fresh-from-the-lab sparkle, but there is a recondite undercurrent.

This DVD, called *Mod Lang*, "takes its name," so a brochure explains, "from a raw three-minute existential rave-up by the legendary Memphis pop group Big Star." In a series of drawings we learn that these abstract narratives have something to do with the life of a fictional character, Keith "Slick" Rhoades, who finds his true calling as a visionary architect. I couldn't have told you any of this from watching Blake's DVD extravaganza, but I don't think it matters any more than it matters that we often cannot explain what Harry Smith had in mind in the experimental abstract films he was doing in the 1930s, 1940s, and 1950s (which Blake's work sometimes brings to mind). Blake gives the cheerful turmoil of high-tech color a pop-mystical dimension.

Of course an artist does not have to turn away from painting in order to salute the candy store that is late modern color. Trevor Winkfield, in the canvases in his show at Tibor de Nagy in January, suggests a coloristic taste far more maniacal than Blake's, and he does so while using old-fashioned brush and paint (though the paint is acrylic). This confetti onslaught of color is wedded to a frenetic narrative sensibility. Winkfield's ever-proliferating jesters and princelings and shattered still lifes are the products of a man with a *horror vacui*, so it is quite logical that he will always use two or three colors where others might use one. The colors, puzzle-like in their proliferating contrasts and contradictions, have a flooding-forward power, which at times seems too much for its own sake, not sufficiently controlled.

I cannot say precisely what Winkfield means to evoke with a particular twist-and-shout purple or nacreous green, but I do feel that there are encoded meanings. These works, painted with a cool, impersonal hand, are still the product of a delicately private sensibility. In *Self-Portrait* and *The Navigator*, the strongest paintings in this show, Winkfield uses large areas of black to stabilize the structure and to suggest a new succinctness that in no way muzzles his busy imagination. *Self-Portrait* is an extravagant heraldic device at the heart of which there is a palette, in two browns, dabbed with bits of shimmering color. The artist's head, a classical profile, is topped by a slouchy sort of military headdress bisected by a broken arrow; this artist is half hero, half fool. As for the navigator in the painting of that name, he is decked out in a costume

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of plaids and rose petals and frills, a costume as impossibly funny as anything dreamed up by the seventeenth-century French stage designer Bérain. Behind the navigator is a city skyline in black silhouette. Winkfield uses black as another version of all-color, as a counterbalance to his crazy quilt of construction-paper and Crayola-box hues.

BLACK IS AN enigma—at least it is for artists. In *Color and Meaning*, Gage has a fascinating chapter on "Matisse's Black Light," in which he discusses how in the nineteenth century black came to be regarded "as a colour (not simply as a darkener)." Gage is interested in Matisse's possible acquaintance with the ideas of Gustave Le Bon, better known as the author of a book on the behavior of crowds than as a physicist who took an interest in the light-giving power of radioactive particles. Gage sees Le Bon's belief that "darkness added to darkness ... gives birth to light" as suggesting the spirit of a painting such as *Gourds*, which Matisse painted in 1916, where the discipline of the gray-and-black orchestrations has a velvety opulence. Gage also discusses the use of black in some of Matisse's late cutouts; he illustrates a design for a black-and-white chasuble for the Vence Chapel bearing the Provençal word *esperluçat*, "to open the eyes," which has a starburst design that Gage quite credibly relates to the patterns in one of Le Bon's experiments. Whether Gage is right about Le Bon's impact on Matisse we may never know, but the power of Matisse's blacks and whites to evoke light, and even to suggest what we think of as a coloristic richness, may well take us to a point where the clarity of science must bow to the vagaries of the imagination.

Attempts to pinpoint the power of color, especially the power of limited color, have a way of sounding hopelessly vague and maybe even comically metaphysical. The pragmatist in me would like to say that what you see is what you get, and leave it at that. But how are we to account for the coloristic impact and shimmering opulence of an exhibition of drawings by Fairfield Porter, mostly in black or blue line on white paper, that was held at Hirschl & Adler Modern earlier this season? This show, containing more than eighty drawings, ranged over all Porter's motifs: landscape, cityscape, portrait, interior. And somehow, despite the insistent black- or blue-and-white, the poetic complexity of Porter's color was very much a presence. In a series of studies of Long Island beaches, Porter's tiny curls and scratches of ink or pencil suggest the variousness of the ocean, the complexity of its hues. Elsewhere Porter bundles together black lines to evoke the deep greens of foliage; or he leaves the bare white of the paper to signal explosions of blue.

Some would say that the color effects in these drawings of Porter's are purely "optical," a question of the balance of dark and light. Such resonant optical experiences also have a psychological dimension, for shapes suggest objects that in turn trigger color impressions. In a few of Porter's drawings—which were very much working studies, not meant for display—the artist has jotted down the names of colors. In one New York City scene, a traffic light is labeled "red," while a sign on a building a bit farther in the distance is labeled (I think) "violet maroon." The opposition of "red" to "violet maroon" is obviously a color idea: a full-out red versus a blued-down red. And what interested me was that I was able to experience this as a juxtaposition of related yet dissonant colors simply by reading the words. This makes the drawing sound a bit like a work of conceptual art, and Porter was anything but a conceptualist. He believed, as much as any painter of his generation, that art is concerned with the immediate complexity of experience. Still, who can doubt that colors have a second life as mental constructions, and that it will always be difficult to say where perceptual color ends and conceptual color begins?

COLOR IS AT once mood and structure, allusion and essence, representation and abstraction. Certainly there are all kinds of ways to unite naturalistic and anti-naturalistic color. In Mari Lyons's large pastel studies of young women, exhibited at the First Street Gallery last fall, the almost tropically brilliant hues of the paper itself become an essentially abstract foil for the artist's penetrating exploration of that very old subject, the model in the studio. Lyons, who has a gift for punchy, even slightly raucous color, uses the friction of strong-hued pastel against strong-hued paper to expand the psychological reach of these portraits. She gives her youthful models long, athletic limbs and tenderhearted faces, and all that color—a luxuriant explosion, as tapestried as the vista of a summer garden—sends a jumpy energy through these good-looking women's bodies. The pastel color, laid on in quick, bold strokes, is descriptive, but it also has a free-standing conceptual twist. I am left wondering whether the color here is "abstract" or "representational." Perhaps the point is that abstract color is being used for representational effect.

For every color theory or idea that one artist chooses to live by, there is another artist who has chosen to live by another color theory or idea, and there are some artists who have a gift for living by several color theories or ideas simultaneously. The books about color published in the past decade tend to suggest, at least when taken together, that all color systems are in some sense provisional. If that is true, it is a truth that surely jibes with the experience of contemporary artists, who know that colors can be mixed on a palette or accessed with a computer program, and who can, if they are so inclined, see an aesthetic divide between synthetic color and conventionally mixed color, and regard this as a kind of cultural divide. But one can also look at all these arguments and conclude that color is a great unifier. After all, no artist can do without it. Even when form has been done away with entirely, as in James Turrell's environmental light pieces, color is there. Even when the colorfulness of color has been done away with, as in Porter's drawings, color is there.

Color is always itself and always infinitely suggestive. Richard Tuttle, whose delicately eccentric constructions and prankish conceptualist attitudes have made him an art-world favorite in recent years, was represented in "Green on Greene" with an eccentrically fan-shaped panel painted in a singular shade that Tuttle thinks of as celadon green. Tuttle is that anomaly, a wry late-modern ascetic who hasn't lost his appetite for beautiful things. He is fascinated by the aesthetic power of certain natural elements, such as the iron oxide that created the green glaze made famous by Chinese potters beginning in the second millennium B.C.E. Tuttle has said that he finds a "quiet passion" in celadon green.

In Holland in 1992, Tuttle organized an exhibition called "Oxyderood" around his collection of antique red-clay pottery objects. What fascinates Tuttle is the absoluteness of the red oxide hue, which is not an applied color but is lodged in the very substance of the object. In a catalogue essay, "This Red Oxide Color," Tuttle does a few metaphysical flips in his effort to grasp the mysterious attractiveness of this clay suffused with red oxide, and he does not arrive at any one answer. But he does speculate that red oxide, which comes straight from the earth and is shaped into objects of great beauty, "can symbolize the union of art and nature." I like the triangulating power that Tuttle ascribes to color. Color, which exists both in nature and in culture, can symbolize their union. I think that gallerygoers have a sense that all color is symbolic color and look to artists to give that symbolic power a personal meaning. What first strikes us about the color in a work of art is its weight, its architectural function. In the end, though, if the work has merit, what we remember is an atmosphere or aura of color—a feeling in the air. ■

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Both Sides Now

By STEPHEN HOLMES

Tocqueville Between Two Worlds: The Making of a Political and Theoretical Life by Sheldon S. Wolin

(Princeton University Press, 650 pp., $35)

I.

FOR MANY AMERICANS, Alexis de Tocqueville was a source of insight and reassurance throughout the Cold War. Not only did he caution prophetically against the perils of an over-mighty central state, but he also divined the first omens, within democratic society itself, of morally debilitating welfare-state paternalism. But that was then, this is now. Fear and loathing of "the state" is no longer in the air. If American democracy is threatened at all, it is less by government omniscience and an immoderate concern for the welfare of the disadvantaged than by the ineptitude and the distraction of political authority at home and, even more likely, by its unraveling abroad. We are especially worried by laxly supervised borders, under-regulated corporations, unpoliced swaths of the globe, internationally financed extremist sects wresting control of education and other public services from insolvent governments, and the proliferation of mass-casualty weapons into the hands of non-state actors.

Such symptoms of the incapacity and the deficiency of the state are not Tocquevillean themes. That Tocqueville remains nonetheless central to political analysis today is testimony to his seemingly inexhaustible treasure-house of ideas. In *The Ancien Régime and the Revolution* (1856), for instance, he denied that social upheaval and movements of rage have their root causes in poverty and inequality, since poverty and inequality (and hopelessness, too) have persisted in many periods and places without unleashing revolution, mass mobilization, or political instability. Instead he located the origins of revolutionary anger and turbulence in more subtle psychological factors: in bitter humiliations, heightened expectations, and contentious narratives of injustice.

In *Democracy in America* (1835 and 1840), similarly, he acknowledged that the fear of losing control typically dissuades wielders of power from inviting previously excluded strata into processes of political decision-making. Yet he forcefully argued that the political inclusion of potentially unruly groups, however threatening to the powerful in the short run, is in the long run the most reliable method for managing social resentment. He especially emphasized the way universal suffrage and freedom of association can blunt the popular appeal of clandestine radicals inclined to use violence to achieve their aims. So crises come and go, but Tocqueville retains an undimmed influence on our struggle to make sense of the world.

In this very long book, Sheldon S. Wolin has little to say about these ideas, or indeed about any of Tocqueville's provocative claims, which continue to shape the way students of political order and disorder frame questions and seek answers. A dominant voice in American political theory for decades, Wolin is unimpressed by Tocqueville's appetite for digging underneath historical conditions in search of ever more explanatory factors. Tocqueville's method was relentlessly comparative. Much of *The Ancien Régime* is devoted to answering the question: why did the Revolution of 1789 occur in France and not in Britain or Germany? Even though he devotes two dense chapters to *The Ancien Régime*, Wolin barely mentions Tocqueville's remarkable and eminently disputable answer to this question. Why some political arrangements are robust and stable and others are rickety and agitated does not interest him especially. He generally downplays Tocqueville's speculations about complex causal relations in social life, though this is arguably the most original and stimulating side of Tocqueville's work.

Wolin is an exceptionally vigilant reader of texts, and so it cannot be an accident that he scants or bypasses Tocqueville's explanatory enthusiasms. He is unmoved by Tocqueville's ingenious attempts to explain insurrection and docility, and so he has elected not to write a study of the nineteenth century's most imaginative social scientist. Instead he offers what he calls a "postmodern reading" of "this bundle of contradictions, poses, anachronisms, absurdities, and willfulness, this 'Tocqueville.'" He wants to draw attention to the "several Tocquevilles" that he thinks inhabited one and the same writer.

At the very least, Tocqueville was divided between two worlds. But which worlds does Wolin have in mind? Sometimes he seems to be referring to America and Europe, sometimes to modernity and tradition. Sometimes he focuses on the opposition between the life of a participant or activist and the life of a penetrating observer or moral judge. But the book begins to make sense only when we realize that a deeper contrariety is at stake. What matters most to Wolin is the polarity between Tocqueville the bland liberal and Tocqueville the visionary democrat.

AN EGALITARIAN WITH sympathies for the student movement of the 1960s, Wolin is quick to distance himself from Tocqueville's "class snobbery" and "reactionary sympathies." The author of *Democracy in America*, Wolin acerbically notes, denied that poverty and privilege were intrinsically degrading. He even felt, we are told, a hygienic revulsion for "malodorous" crowds. Tocqueville's right-wing admirers, who (unlike Wolin) associate the American counterculture with Weimar-era attacks on civilization, are not altogether wrong, therefore, to see him as "a 'conservative liberal' who is alert to the danger of 'too much democracy' and who commiserates with the burdens borne by political elites, not the least of which is the periodic invasion of the political realm by the masses."

But barbs of this sort, skewering Tocqueville for his class prejudice, tell only part of the story. For Wolin simultaneously introduces us to a theoretically more likable Tocqueville. The works of a reactionary snob can appeal to a radical egalitarian because they identify an ideal political standard against which a sham democracy such as the United States at the beginning of the twenty-first century can be exposed for what it is, namely, a "postmodern despotism." Wolin claims to have discovered this ideal standard in Tocqueville's two great works.

Wolin christens this ideal "the political," an enigmatic expression that he first elaborated forty years ago in his shrewd and learned book *Politics and Vision*. Like the earlier volume, to which it is in some sense a belated sequel, *Tocqueville Between Two Worlds* strongly suggests that political theory, when practiced correctly, can "possess the quality of political grandeur" and can be a nobly heroic calling, even though

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it usually involves disengagement from day-to-day politics. To explain himself here, Wolin associates the Greek term *theoria* with stories told by travelers from distant lands, adding, with an eye to Tocqueville, that "political theorists have always been great journeyers."

Ideally, traveling gives the traveler some perspective on his own world, relativizing the familiar and "loosening the preconceived boundaries" of the possible. Yet this is not an especially accurate description of Wolin's foray into Tocqueville's oceanic works. For neither of the two Tocquevilles whom Wolin encounters there are to him even slightly unfamiliar. On the one hand, he finds the stock figure of "the liberal," who warned against participatory excesses and defended the class privileges of the rich by luring the revolutionary "demos" into the joyless quest for joy of consumer society and incarcerating any deviants who refuse to be sated or sedated. On the other hand, he finds an uncompromising visionary, whose approach resembles Wolin's own to a remarkable degree. The reader does not have to guess which is the good Tocqueville and which is the bad.

So who was the good Tocqueville, as Wolin presents him? The signature idea of Wolin's *Politics and Vision* was "the political" and the perhaps insurmountable difficulty of reviving it in an age dominated by technological dynamism, bureaucratic managerialism, insatiable capitalist greed, and the insipid culture of consumerism. Journeying through *Democracy in America* and *The Ancien Régime*, Wolin discovered that "the abiding concern of Tocqueville's thinking, the referent point by which he tried to define his life as well as the task before his generation, was the revival of the political: in his phrase, *la chose publique*." The challenge was already immense at that time because early nineteenth-century society was already characterized by a retreat from civic engagement into a private sphere. As a theorist of "the political," Tocqueville was therefore rebelling, if only bookishly, against his times: "The elevation of the political and the making of a public self were conscious gestures of opposition to the privatizing tendencies for which he, as much as any other writer of his time, provided the authoritative critique."

To describe "the revival of the political" as a goal that sets would-be revivalists on a collision course with society and history is not to imply that it can easily be achieved. In the end Wolin denies that such a happy ending will ever occur. But even if "the political" is not a plausible goal of action, it remains a plausible standard of criticism and protest. The wielder of such a "counterparadigm," he thinks, can articulate the longings for fulfillment defeated by the blighted world in which we are condemned to live. And the Tocqueville whom Wolin admires does just this. He is a rebellious visionary, a retriever of "sensitive meanings" in an anti-political age.

This good Tocqueville was, first and foremost, a myth-maker, identifying "the most exalted political life" with "a life of disinterested service to the common good and the striving for a politics of grandeur" and "a politics that is at once exuberant and virtuous." His myth of the political epitomizes everything we are not, conjuring up the *haute fantaisie* of a humanly fulfilling politics that is now defunct. Modernization replaced engaged citizens with "depoliticized man," with "beings who are totally immersed in private concerns," mired in a life of "lavish consumption" that encourages "a yearning for the joys of private life." Thus we now live in an "undifferentiated society, an unpolitical night," filled with "stunted individuals who have embraced lives emptied of political responsibility," and where even "the human ties that supply life with a bottomless fund of interpretable experience" have been "deliberately snapped."

By asserting, in his own name, that a political utopia has been "lost," Wolin might make readers believe that it once existed. But he will not tell us when and where all citizens managed to realize themselves fully and harmoniously with no trace of injustice, because then we could check with our own eyes and discover whether any hidden defects or disadvantages accompanied his idealized polity's alleged virtues. In the same spirit, Wolin praises "local democracy," but always with tactical vagueness, lest we inquire about symptoms of stifling parochialism. The "critical theory" that Wolin practices invokes visions or myths that cannot themselves be criticized. Trust me, he seems to be saying, I know what I am regretting.

What he is regretting is "a genuinely political regime" that has never existed and cannot exist, what he calls "the idea of the political as the common good" affiliated with "lofty notions about heroic politics." Or perhaps he regrets merely the lost longing for such an ethereal goal. In either case, Wolin not only advocates an uncompromisingly visionary or anti-empirical approach to politics. He also attributes it to Tocqueville, who, we are told, "exalted the political as noble deeds, actions that were at once individual and altruistic, self-publicizing and public-spirited." To emphasize the utopian dimension of their allegedly shared approach, Wolin describes Tocqueville as "a political man with no politics to which he could attach himself, who drifts toward the plane where the political is so rarefied as to be virtually devoid of politics of the quotidian variety."

These comments are not made pejoratively. Neither is Wolin's remarkable description of Tocqueville as "a political hero manqué who spouted an embarrassing amount of romantic mush about his longing for the opportunity to perform great and noble public deeds." This is not, on balance, a criticism. Wolin recognizes that Tocqueville's "belief in his own chosenness" is "likely to produce an unforgiving estimate of him," but on this matter he refuses to side with Tocqueville's detractors. On the contrary, he is favorably disposed toward precisely the easily ridiculed Tocqueville who, as he puts it, "heroized his own theoretical achievement as an epochal encounter with the gathering power of equality." Here we find the key to what Wolin means by a "postmodern reading" of Tocqueville. Instead of asking what Tocqueville was trying to say, the postmodern interpretation asks why his readers today find him so "absurd."

That we scoff sophisticatedly at Tocqueville's "romantic posturing" tells us less about Tocqueville than about ourselves. It is, Wolin asserts, a sign of our mean rejection of the heroic ideal, a symptom of "how distressingly low the theorists and politicians of interest politics have set their sights." By deriding Tocqueville's non-empirical vision of the political, we reveal ourselves to be creatures bereft of "higher" aspirations: "In the self-consciously postmodern world of 'the cool,' it would be difficult to find any resonance for Tocqueville's conception of the grandeur of the political as the noblest of human settings, of public life as the highest calling, and of the public good as the supreme object of political action." That many of us today have a hard time taking seriously rhapsodies to political participation is a sign not that Tocqueville has gone over the top, but that the ground has dissolved beneath our feet.

The assumption that Tocqueville and Wolin share a common sense of bereavement is the key to this book. But how warranted is this assumption? For Wolin, modernization is essentially "dispossession." To live in modern times, especially in modern America, is to feel and to be "depleted." Wolin's understanding of the modern age, it should be said, owes more to Heidegger (via Hannah Arendt) than to Tocqueville. What impresses him is the combination of "the world of huge and unprecedented powers" with "the struggle to subdue nature" whereby science, technology, and the divi-

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sion of labor have made it possible for a paternalistic state, ruling over a privatized economy, to satisfy the material desires of passive citizens. The following passage, which adds Western imperialism to the mix, is representative: "The growth of modern science, the organization of it around technological applications, the phenomenal expansion of economic production, the development of ever more destructive weaponry, and the growing penetration by Western nations of the non-Western world all meant that powers of unprecedented magnitudes were reshaping the world, uprooting traditional social and political forms, and reconstituting nature." Why a radical American leftist would feel free to recycle in this way the imagery and the rhetoric of hieratic European conservatives is never completely clear.

In an oddly circular attempt to illuminate the essence of modernity, Wolin adds that "meaninglessness signified the appearance of new magnitudes of power that threatened to deplete the social world of its meaningfulness." Modernization destroys meaning by making impossible a certain kind of politics, namely a politics dominated by memorable heroes in the ancient mold. Great impersonal forces, "insatiable" and "bloated," now dominate historical change, marginalizing would-be heroes. They crush "the possibility of significant individual action" and seem "bent toward preventing the individual from standing out." Reproducing the formulas of the Frankfurt School, Wolin tells us that the modern individual becomes "a reproducible object rather than a creative subject," signaling "the defeat of particularity by repetition, reproduction, and ultimately domination." And commercialism, too, fosters "a culture that turns literary pursuits into an 'industry.'" For Wolin, standing out and being remembered are a source of "meaning." By casting "heroes," including literary ones, into the night of anonymity, modernity breeds meaninglessness.

During the past two hundred years of world history, mankind has watched helplessly as meaninglessness was spawned by great magnitudes of power. That, at least, is how Wolin sums the centuries up. He admits in passing that this is not exactly the way Tocqueville looked at the matter. "The oddity of Tocqueville's conception of the modern was that science hardly figured in it, and industry and technology fared only marginally better." Still, Tocqueville denounced centralization, the culture of conformism, "the specter of mass 'pleasure' and 'materialism,'" the eradication of local differences, and the spread of solitude and "disconnectedness." And, come to think of it, he actually did have something to say about industrialization, especially about "the new aristocracy of factory owners [that] was presiding over the production of a species of social inferiority, of 'brutes.'" Indeed, the "postmodern despotism" that Tocqueville rightly foresaw in democracy's future would be "unimaginable without the presence of modern industry and its combination of a power to attract human desires, while subjecting human desires to 'regular habits' and human energies to 'uniform motions.'"

II.

THESE SWEEPING PANORAMAS of the modern age are Wolin's own, though some could have been articulated with equal fervor by any disciple of Leo Strauss. In any case, Wolin focuses selectively on passages in Tocqueville's works that resonate with such one-dimensional views, rather than helping us to navigate the kaleidoscopic thinking that we actually find there. When Wolin chooses to descend into the details of a text, admittedly, his formidable skill as an interpreter can be eye-opening. A good example is his commentary on Tocqueville's long chapter on the three races inhabiting the United States in the first volume of *Democracy in America*. Wolin argues that "Tocqueville's theoretical scheme began to unravel as he moved toward a conclusion for Volume I." Before turning to consider the grim fate of blacks and Indians, Tocqueville announced that the splendid advance of democracy and equality in America was virtually foreordained. His subsequent chapter on the three races, Wolin therefore claims, "comes close to subverting the entire enterprise for it is a devastating finale that reveals the dangerous depths of anti-democracy in the United States." Indeed, America may not have been a democracy at all, because "all Americans knew, and most approved, of the enslavement of one race and the extermination of another."

This "theoretical disarray," Wolin argues, is not simply a mistake or a weakness in Tocqueville's book. It is, rather, a reflection of a deep political crisis in the country that it examines. Tocqueville unintentionally portrays America as "a deeply divided city," a country suffering from "an arrested development with regressive elements." This is the hidden drama of *Democracy in America*. Alongside the bravado and the self-confidence, Tocqueville lets us see "a challenged, irresolute democracy unsure of its identity." Tocqueville acts out, in his own book, the "cognitive dissonance in a democracy that conceived itself as the embodiment of freedom and equality while it practiced slavery and genocide openly."

This interpretation of "On the Three Races," while somewhat strained, is original and thought-provoking. Unfortunately, Wolin's achievements as an interpreter get lost in his blanket indictment of the entire modern age. Thus he goes on to present slavery and genocide in America not as historical aberrations peculiar to the new world, but as revelations of the essence of modernity. The same acquisitive "civilization that destroys nature" also "corrupts its representative, the Indian." Chattel slavery and the extermination of Native Americas were the local American versions of the same "modern power" that helped the major European states brutally seize control of half the earth.

Continuing at this windy level of speculation, Wolin stresses what Tocqueville took to be one of modernity's central features, namely, "the acceleration of superficial change," "the corrosive effect of rapid change," and an "unlimited potential for recurrent social dislocation." Modern times gave birth to a "kinetic society" where "disappearance had become an everyday occurrence." No human agency can stop "modernity's plunge into an abyss of its own creation, the meaninglessness of existence when the Whirl of endless change is installed as King." Rapid change dooms not only the leisurely meditations of philosophers and the unhurried deliberations of citizens, but also,

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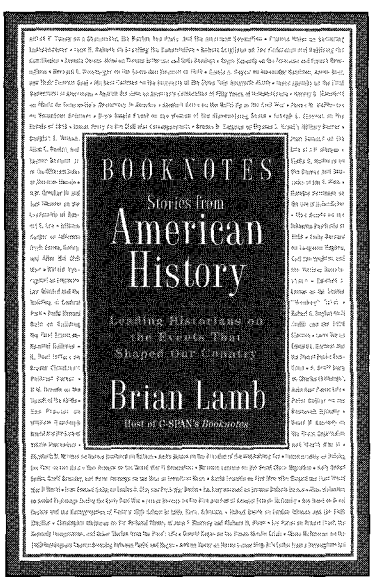

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paradoxically, the revolutionary plots of radicals. Rebels cease their attempts to overthrow the status quo once the status quo starts changing so rapidly that no one can keep up with it. The "heightened tempos of modernity," therefore, explain "the triumph of modernity over revolution itself, of relentless incremental change over radical rupture." Wolin depicts the replacement of heroic revolutionaries by financiers and industrialists as a fall from poetry into prose, whereby "the extraordinary of revolution turns into the banality of change."

THIS LEFT-WING anti-modernism is interesting or not, depending on your point of view. But it is related only tenuously to Tocqueville, who always assumed the intrinsic ambiguity of "progress." Gains and losses, ups and downs, advances and retreats, are mixed together promiscuously in the historical changes that he studied most closely. He would not have described his own theorizing in Wolin's words, as "a political teaching in dark times," less because the phrase is platitudinous and puerile than because he believed that, in modern Europe and America, light and darkness were intermingled and blurred.

Some people—and Wolin seems to be one of them—have a hard time loving anything that has ever disappointed them. Tocqueville obviously had a different approach to the world. He was perfectly willing to defend democracy while acknowledging its serious imperfections. For this reason, it makes little sense to press the analogy, as Wolin does, between Tocqueville's America and Plato's Atlantis or Fourier's utopia of sexual gratification. Neither America nor any of its regions was a utopia for Tocqueville. He saw slavery there as well as freedom. He saw genocide as well as jury trials.

He also sighted many pathologies in the old regime, which he never treated elegiacally as an "absolute past," as Wolin would sometimes have us believe. Tocqueville did not mourn ramshackle custom. He deplored old-regime criminal procedure and wrote a book to explain that pre-revolutionary France gave birth to dictatorship, even while emphasizing some of its compensatory virtues. Likewise, he thought that the French bourgeoisie, although a culturally petty class, was probably the last pillar of civilization. He understood the idealistic impulse behind the first phase of the French Revolution, but he also saw the Revolution as a violent civil war fueled by hatred and envy. He defended what to some extent he disliked, and he admired what to some degree he feared.

Wolin instinctively distrusts such ambivalences. He especially disapproves of Tocqueville's willingness to engage politically with unclean desires for wealth and power. Yet the utopianism and the black-or-white thinking that Wolin is bent on discovering in *Democracy in America* and *The Ancien Régime* play only a small role there. Wolin is perversely magnifying some of Tocqueville's least interesting rhetorical flights and psychological quirks into his principal contribution to political theory.

EVEN THOUGH HE freely criticizes faulty social practices and institutions, Tocqueville was not enough of a visionary to engage in the root-and-branch criticism of entire social systems that, for Wolin, is the essential vocation of a political theorist. Indeed, if we were forced to summarize Tocqueville's "concept of the political," we would probably emphasize his claim that direct involvement in political life cures people of their utopian longings by making them concentrate on the urgent problems and the necessary trade-offs at hand. Civic engagement may foster "critical thinking," but not the sort that excoriates actual politics from a standpoint wholly outside the perishable world. The very last thing we would say is that "Tocqueville thought that politics was sacred ... because it held the possibility of being theoretically or truthfully constituted" or that democratic politics, for Tocqueville, should be "a vessel of the truth," where ordinary citizens can become "agents of the immaterial."

Where Wolin seeks a vessel of truthfulness, Tocqueville observes an arena of candor and deceit, values and nonvalues, successes and defeats. Wolin describes "civic democracy of the New England township" as "a community at once political and moral" that is "sacramental in character." He even claims to have discovered the outlines of a "political utopia" or "a lost political world" in the early chapters of the first volume of *Democracy in America*. But, as Wolin then parenthetically concedes, Tocqueville never paints the New England township as a realm in which private interests are excluded in favor of pure considerations of the common good. Indeed, politics there was distinctly prosaic, being "conducted over relatively small stakes of power, money, and prestige."

What this suggests is that a non-heroic politics tainted by the profit motive could nevertheless win Tocqueville's partial admiration. Disinclined to proselytize for an idealized vision of political life, Tocqueville was also unwilling to accept uncritically the stylized contrast between noble political life and base economic life. He even described entrepreneurs as "heroic," as Wolin himself admits. He marveled at the vibrancy of associative life outside the sphere of politics proper. And he eschewed economic determinism, insisting that a materialistic culture and flourishing commercial economy were compatible with democracy as well as with dictatorship.

WOLIN ALSO BELIEVES that we should "value political life for its own sake." We could debate this thesis on its merits, but we cannot fairly present it as a balanced summary of Tocqueville's views. One of the principal themes of *Democracy in America*, after all, is that self-government, while defective in itself, has many indirect consequences (such as the diffusion throughout society of "a restless energy, a superabundant force") that make it finally an admirable system. In fact, Tocqueville values democratic participation mostly for its indirect effects, and very little for its own sake.

As a conscientious reader, Wolin notices Tocqueville's many instrumental justifications of democracy. He also realizes that Tocqueville was exaggerating for effect when he quipped that politics is the only pleasure an American knows. And yet Wolin stubbornly under-emphasizes whatever conflicts with the idea that political participation is the heart and soul of a meaningful human existence. He acknowledges Tocqueville's claim that the Americans whom he observed easily combined public and private roles, shifting effortlessly from the pursuit of material self-interest to concern for the public weal and back again. But this amphibious existence sorts ill with Wolin's sharp polarity between the base pursuit of material gain and the noble life of politics. Faced with the clash between Tocqueville's observations of the hybrid life of Americans and his own belief that "the political" and "the economic" cannot be commingled, Wolin asserts, without evidence or argument, that the human heart cannot remain divided against itself.

That Wolin is not a perfectly reliable guide to the human heart is also suggested by the way he confuses Tocqueville's political ideals with his religious yearnings. He tells us that "Tocqueville's theoretical structure was not shaped to produce the triumph of certainty over doubt or truth over error but to avert a plunge into the abyss of meaninglessness." And although Tocqueville remarks in the *Souvenirs*, a memoir written in 1850–1851 but published only posthumously in 1893, that the danger of violent class warfare on the streets of Paris provided momentary respite from his chronic melancholy, he is much too faithful to Pascal to accept Wolin's suggestion that the "Pascalian abyss" of meaninglessness was limited to

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the modern age or that it could be overcome politically. Pascal would not have discovered "plenitude" or "truth" in New England townships. And Tocqueville's notion that ruins and gravestones are the most lasting forms of architecture does not suggest that he dreamed of finding consolation in politics for the mortality of everyone he loved.

III.

WOLIN'S ATTEMPT TO remake Tocqueville in his own image, as a utopian struggling against impossible odds to restore a lost fantasy world, would not be so mystifying had Tocqueville not made this very posture a principal target of his polemic in *Democracy in America*. To his reactionary friends and family members who viewed democratization with distrust, Tocqueville's main message was: do not spit into the wind. The transition to democracy is less peaceful in France than in America because, among other things, conservative French elites, unwaveringly attached to an idealized past, have inflamed previously excluded social groups by opposing the inevitable broadening of the franchise. A more constructive approach requires them to abandon their backward-looking utopias and to compromise with the new and admittedly imperfect France.

The author of *Democracy in America*, Wolin wants us to believe, lingered over the "highly decentralized, participatory politics in the United States," especially in the New England townships, in order to dramatize the fact that the modern state, with its deadening and all-encompassing paternalism, "had not been transported to America." There was a federal government of sorts in America, to be sure; but besides being terribly weak, it was also a "far less admirable species of democracy from that represented by communal democracy." When the modern state arises, "democracy" begins to dissolve, or at least it "must accommodate by accepting a more perfunctory, less participatory conception of the political."

Since he associates the authority of the modern state with this "grand betrayal," Wolin also fails to clarify some major themes in *The Ancien Régime*. He is inclined to make the state's "dangerous simplifying, centering tendency" into the Kafkaesque core of Tocqueville's diagnosis of modern society. "For Tocqueville," Wolin explains, "modernizing means the founding of centralized and bureaucratic power," and that means "the triumph of administration over political governance." Centralized authority spelled the obliteration of "the political," which entails an emptying of the plenitude of the world. The modern state is "the antipolitical." It is a quintessentially anti-democratic power, spreading meaninglessness in its wake.

This diagnosis of centralization may be right or wrong, but it differs in essential respects from what we find in Tocqueville, whose attitude toward the modern state was considerably more nuanced. For one thing, Tocqueville strongly favored the rationalization of public administration (in the area of taxation, for instance) and strongly preferred the executive branch to the legislature. It is also misleading to say that "in his discovery and celebration of local democracy and its participatory politics Tocqueville would tacitly side with the Anti-Federalists." Wolin makes this unpersuasive claim even though Tocqueville's entire argument about the tyranny of the majority, borrowed from Madison's attack on small homogeneous republics, referred to state governments, not to the American federal government.

True, Tocqueville stressed problems associated with a highly centralized power, such as the vulnerability of France to deadly urban riots. The unrivaled preeminence of Paris created a single point of failure, to which multi-centered countries such as the United States were not susceptible. He believed that administrative centralization could undermine economic vitality and individual initiative. And he argued that the strategy of the French crown, especially under Louis XIV, of depriving French nobles of their local administrative responsibilities had backfired, as an elite deprived of all custodial duties lost its managerial skills and became wholly unaware of simmering social problems, so that it could not help to stabilize royal authority.

Yet none of this implies that Tocqueville was opposed to centralization *tout court*, or that he identified it with the extinction of meaning. To disentangle Tocqueville's attitude toward centralization from Wolin's rendition of it, we should recall the claim, in *Democracy in America*, that "for my part, I cannot conceive that a nation can live, much less prosper, without a high degree of centralization of government." This is obvious in a way. Tocqueville loved France as much as he loved Normandy, and if there had been no centralization there would have been no France. This would have been highly embarrassing to Tocqueville, for whom national éclat was what Wolin would call a source of meaning.

France must be strong not only in Europe, Tocqueville believed, but also in its colonies. After all, it was a unified French army, drawn from all parts of the country, that brought glory to the *patrie* by its conquest of Algeria. Tocqueville's writings on Algeria alone are enough to disprove Wolin's contention that "Tocqueville remained committed to localized power." *Democracy in America* also makes it clear that "war ... must almost automatically concentrate the direction of all men and the control of all things into the hands of the government." And since Tocqueville was not opposed on principle to war, or for that matter to imperialism, he was not wholly opposed to centralization, at least not in the way that Wolin asserts.

THERE IS A theoretical problem here, not merely an interpretive one. For Wolin suggests at times that the primary motor behind the growth of state bureaucracy is the ravenous desire of the administrative apparat to preside over every aspect of our lives. There may be something to this argument, but it should at least be confronted with an alternative perspective that focuses on the way state power grows in response to social demands. As women join the workforce, for example, voters address a difficult-to-ignore social demand to political authorities for elder care to be transferred from working-age daughters to taxpayer-funded social services. I mention this example because it suggests the weakness of Wolin's premise that democracy and the growth of the modern state are somehow inherently at odds.

Indeed, Wolin's idea is bizarre on its face, since democratization presupposes state-building. Majority rule assumes a prior decision about who is a member of the community, and this prior decision cannot, in principle, be made democratically. Moreover, there is no reason for excluded groups to seek influence over the lawmaking process unless citizens and other inhabitants of the country obey the law, that is, unless coercive authority is in place. And in a large, industrializing, and commercially dynamic country, only a centralized state can respond effectively to social demands for managing economic externalities. For Tocqueville, quite commonsensically, democracy has something to do with a consultative and responsive state. For Wolin, democracy recedes as soon as the state raises its head.

They disagree on this point because they think differently about the relation between democratization and state-building. Since Tocqueville recognized the dependency of modern democracy on relatively stable institutions, he could not have been the uncompromising anti-étatist that Wolin makes him out to be. This is made inadvertently clear by Wolin's two chapters on the *Souvenirs*. Of Tocqueville's three books, this is the one that Wolin finds least congenial. He even opines that "*Souvenirs* could have been subtitled, 'A Memoir of Aristocratic

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Ressentiment'." For he encounters there only the unreconstructed class snob reacting in horror to the mob. This unappealing Tocqueville embraces what Wolin dubs the "stalled ideology" of liberalism, which is basically a cover-up for elite domination, managed by propertied insiders who are obsessed with denying political access to the majority. Tocqueville may have written about the glories of heroic political action, but "when an actual revolutionary caesura opened in 1848, [he] chose, instead, to retreat to a spectator's box and to comment, meanspiritedly, on the efforts of his contemporaries to cope with extraordinary events."

TOCQUEVILLE RECOILED FROM "the political," to Wolin's dismay, when it took the form of an urban insurrection. To explain Tocqueville's failure of radical nerve, Wolin introduces a distinction between the revolutionary majority and the electoral majority. On the one hand, we have the people as "the street" that bursts into flames periodically and overthrows despotic powers, but then disperses homeward to eke out a living. On the other hand, we have the people who are continuously involved in debating policy and exercising power. The first majority is euphoric; the second majority is sober. The first needs only cobblestones and wide boulevards; the second requires institutions, such as the suffrage, parliament, specialized ministries, and rotation in office.

Tocqueville and Wolin estimate these two majorities differently. Tocqueville accepted the institutions of the liberal state. He advocated the right to vote because he saw it, roughly speaking, as a routinization of the right of rebellion. Wolin, by contrast, prefers the raucous to the routine. Where Tocqueville sees a menacing mob driven by vindictiveness and envy, Wolin sees a "heroic modality of human action." Wolin exhibits a low tolerance for stable institutions, even if they permit the admission of large numbers of ordinary people into a sphere of decision-making previously reserved for a few.

To express his distaste for boring elections and prosaic representative government, Wolin notes that both involve a falloff of civic involvement from the ideal of direct democracy. Voters are not citizens. They want only to feel free while shifting genuine responsibility onto officeholders. Wolin observes in this context that "the perfect expression of these conflicting desires is the wish for a strong centralized government based on elections. For then the citizen can 'relax.'"

Wolin realizes that the "diluted" quality of political involvement in modern democracy owes as much to equality as to bureaucracy. For democracy in a large and densely populated country will necessarily be representative, not direct. Since Wolin knows this, he insists that democracy is an unattainable ideal in an age of large nation-states. And yet, even when echoing Rousseau and the anti-Federalists, he cannot coherently sustain the opposite thesis: that egalitarian democracy could have easily found a home in communal government, bypassing the centralized and coercive institutions of the modern state. In the American context, for one thing, "localism and self-government" have been historically "associated with inequality and the defense of slavery." This presents a major dilemma not for Tocqueville, as we are told, but for Wolin, who is committed to defending both localism and egalitarianism. For it turns out that the best and perhaps the only protector of poor and weak members of the community is the centralized state. The egalitarian cause will, therefore, in Wolin's words, "gravitate toward centralization in hopes of enforcing 'equal protection' for all." But then how can Wolin, a radical egalitarian in America, continue to insist that small is beautiful, and to refuse all commerce with the power of the centralized state?

UNCOMPROMISING ADVOCATES of participatory equality cannot accept representative democracy in a large nation-state, for in their eyes such a system entails diluted citizenship. But neither can they retreat to local government, for municipal authority is perennially associated with corruption as well as with discrimination and inequality. In other words, Wolin has nowhere to turn. Or, rather, he has nowhere to turn except toward the disruptive and transgressive politics of the barricades, the episodic outburst of civic involvement, doomed to subside after a brief moment of glory. And so Wolin consistently sides with disturbance against order, identifying himself with "demotic powers welling up from below." This recalls what he has elsewhere labeled "fugitive democracy," meaning presumably democracy that does not last long enough to inflict any serious harms or to implicate its participants in disagreeable chains of events.

Wolin makes some attempts to associate Tocqueville, too, with the innocence of a transient politics, invoking the latter's "fascination for the extraordinary." But this involves another muddying of obvious distinctions. In order to idealize deadly urban riots, Wolin has to censor Tocqueville's thesis that rebelliousness and servility have common roots, as well as his perception that the motives of the crowd in the French Revolution were mixed, simultaneously idealistic and vindictive. On some level, be it noted, Wolin is reconciled to the evanescence of "the political" in today's world: "Unable to nurture a democratic political life, modernity assigns it a fleeting existence—of protest, outrage—but never a settled condition; always a losing struggle to preserve what seems increasingly anachronistic." The regret here is artfully conveyed, but the underlying attitude is passive-aggressive, not tragic.

WOLIN WANTS TO excite his readers' imaginations with visions of a heroic politics devoted to the common good. His reasons for so doing may be excellent or they may be dubious, but few readers of *Democracy in America* or *The Ancien Régime* will accept his claim that the paramount interest of those works lies in their utopian image of political participation. Tocqueville no doubt believed that something "grand" had been lost with the political weakening of France's landed nobility; but he also associated political life with making compromises, conciliating interests, choosing the lesser evil, and adapting to the realistic possibilities of his times.

Wolin slights these aspects of Tocqueville's thought because he focuses excessively on Tocqueville's oscillations between aspiration and disappointment. He treats us to a Tocqueville who sometimes idealizes political life as a plane of spirituality above the squalor of commerce and who then turns to curse political life as "tasteless" and "not worth a damn." In the process, Wolin strives to make Tocqueville's balmy hymns to "great passions" and "manly virtues" seem theoretically interesting, even though they are easy to explain as overcompensation for a lifelong sense of political ineffectiveness. He also slights the way such longing for the heroic and such disgust with bourgeois dullness led Tocqueville to glamorize militarism and conquest. And he ignores the religious or pre-political sources of Tocqueville's frequent despondency, which was unrelated to disillusionment with the modern age.

This selective approach to Tocqueville, admittedly, is no more tendentious than many others. What makes it especially disappointing is what it leaves out, namely, the source of Tocqueville's power and lasting influence as a political theorist—I mean Tocqueville's view of social change as an implacable fact, beyond good and evil, beyond praise and blame. It was against this fundamental conviction, seemingly incomprehensible to Wolin, that Tocqueville developed his distinctly non-utopian concept of democracy. Much of the time, at least, Tocqueville manages

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to avoid fatalism while treating democratic politics not as an unrealizable ideal, but simply as more compatible with morality, order, and property than French reactionaries believed. And he also described democratization, including a widening of the suffrage, as an effective way, in this imperfect world, to manage the resentments of the poor.

In *Democracy in America*, along these lines, Tocqueville sometimes suggests that he is planning to save France by applying lessons from America about how to combine stability and democracy. But sustained attention to the deep historical and contextual roots of social order was bound to cure him of youthful illusions about the ease with which individual reformers can steer large societies according to preconceived plans. Taking historical preconditions into account, Tocqueville eventually admitted that few lessons from America could be applied in France. American democracy was compatible with political stability because of non-transferable factors such as cheap land and the open frontier (outlets for lower-class unrest), the remoteness of military threats, the lack of a single center such as Paris, the lack of a parasitic aristocracy needing to be uprooted, and the absence of a tradition of hostility between republicanism and religion.

WOLIN RECOGNIZES ALL this, but he uses it only to reinforce his peculiar view of Tocqueville as a wholly impractical visionary. The most inspiring visionaries, after all, saw their visions defeated by an inhospitable world. To understand why he would find a defeated visionary so appealing, we need to return to Wolin's idea of critical theory as a theory that cannot be criticized. To disclose the defects of the perishable world, the political theorist must promulgate a vision of incorruptible civic virtue. The vision or the myth of the political must be completely untainted by compromises, power games, or conflicts of interest. Wolin fails to mention that political life would be far from ideal even if all rival material interests were excluded. Selfless citizens devoted to the common good still might engage in self-destructive conflicts, since they could always disagree violently about the nature of the common good or about the best way to achieve it. Wolin skips lightly over this obvious problem because, rankled by private interests, he conceives the common good as a solution, not as a problem.

The same can be said about the way in which he treats "the heroic impulse," that is, "the drive to achieve something Plutarchian, epical," an impulse that he often associates with "the political." Wolin takes the palpable innocence of his own thinking so much for granted that he does not even bother to distinguish his "concept of the political" from Carl Schmitt's *Begriff des Politischen*, where heroism has somewhat less savory connotations. In Schmitt's conception, "the political" lifts humanity high above the squalid economic sphere where individuals scramble to satisfy material needs by forcing a decisive and manly response to the existential threat of being killed by members of a hostile state or group.

Wolin's heroic politics, by contrast, is rinsed clean of male aggression. The resulting ineffability may be frustrating; but it is also intentional. Many people have much clearer ideas about what they do not want than about what they want. Wolin speaks to them. He gives them a counter-paradigm, not a paradigm. He offers them a nebulous hope, not a painful choice. He rallies them around a negative, without committing them to a positive aim that might divide them from each other or fail to work out as they wish.

IV.

FOR TOCQUEVILLE THE visionary, we learn from Wolin, "the political concerned what was right, good, or proper for the whole of society." What did such a politics leave out? Examined more closely, Wolin's ideal politics turns out to be purged not only of "the fragmented politics of interests" (allegedly invented by liberals), but also of partisan rivalries, bureaucratic hierarchies, coercive authority, clandestine networks, manipulative rhetoric, organized institutions, routine procedures, stable roles, scarce resources, painful trade-offs, unintended consequences, nationalist bigotry, palace intrigue, public posturing, insider deals, second-best alliances, and, indeed, all the other things associated with politics as we know it. This is Wolin's point. Tocqueville reported all such rotten goings-on in his book on America, but as a visionary he deleted them from the concept of the political.

Non-visionary students of politics adopt a humbler or less discriminating approach. They deliberately shun conceptualizations that make "democracy" so flawless that no actual government could ever qualify as democratic. They define democracy not as the unachievable "rule of the people," but as a system in which parties lose elections. Such a realistic concept is useful in comparative analysis because it fits some actually existing political systems while excluding others. For Wolin, however, such genuflecting before an imperfect reality registers the servility of most if not all social science. It reflects a decision to stabilize sham democracies by making them appear normal, thereby sedating the public into complacency.

To unsettle the complacent, Wolin advocates a "destabilizing" or "abnormalizing" form of political thinking. The best way to destabilize, he suggests, is to articulate a vision of political perfection that itself can never be destabilized. This is the point at which the reader begins to feel suspicious. For if a vision is so remote from reality, so obviously unreachable, why would it destabilize the powers that be rather than reinforce feelings of impotence and habits of resignation? Moreover, might not Wolin's curious attempt to immunize his vision from critical appraisal be some sort of cover-up?

WHAT DO WE find if we unwrap "the political," as Wolin conceives it, and examine its contents rather than what the concept excludes? What we discover is a cacophony of irreconcilable values. There is heroism in there as well as impartiality; dramatic showdowns as well as recurrent attention to everyday needs; egalitarianism as well as localism; democratic distrust of elites as well as the hidden paternalism of the political theorist as "masked legislator" who makes myths in which the majority sheepishly acquiesces. These ideas obviously clash among themselves. How could a great hero be satisfied with the minuscule stage provided by a local, self-sufficient pre-industrial community?

Instead of helping us sort through these tensions, Wolin disguises the disharmony among his own values by ascending into mistiness. He prefers mysterious allusions, oblique intimations, and swarms of unanswered questions to forthright statements of propositions he is prepared to defend. It might seem a little unfair to accuse him of studious vagueness; but his convoluted tactics for lifting his concept of the political beyond the reach of understanding certainly do not make life easy for his critics.

Occasionally Wolin says that his vision of an untainted political life has a practical purpose, namely, to strengthen the resolve of political activists and reformers. This suggests that a third option exists between the uncompromising visionary and the slavish apologist for the privileges of a few. Indeed, many readers claim to have found just such an intermediate figure, a practical idealist, in Tocqueville. Wolin himself comes closest to this attractive approach when he asserts that "the political domain" in modern times "has become increasingly directed by corporate economic powers." This leads him to associate "the suppression of politics" with "the secretive regime of cronies."

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All this sounds interesting and plausible, especially in light of recent events. In passages such as these, Wolin resembles a reformer rather than a seer. And many of us would agree that the disproportionate influence today of, say, the oil and gas industry on American foreign policy is underwritten in part by "a thin culture of inattentive citizens." This is not only true, but well worth emphasizing. So why complain? Are not unrealistic aspirations for a "higher" kind of politics valuable if they stimulate marginal improvements in quotidian politics? Is Wolin not trying to cure the pathologies of secret government by damning "an administered society without citizen politics" and thereby encouraging more intense forms of civic watchfulness and engagement?

THE ANSWER IS no, he is not. Solving solvable problems is not Wolin's aim. It is much too prosaic, for one thing. It is also excessively upbeat. His myth of the political as a domain of virtue, heroism, and devotion to the common good is food for pessimists. It is meant not to incite higher voter turnout, but rather to remind us of the sink of civic privatism in which we are engulfed. The same can be said of Wolin's claim that "postmodern despotism consists of the collapse of politics into economics and the emergence of a new form, the economic polity." He is not implying here that citizens need to be more alert to the secret influence of economic interests on the formulation and the implementation of national policy: such a warning might trigger a search for improvement. No, Wolin is saying that our community has been so thoroughly depoliticized that "modern power" can no longer be brought under human control.

In other words, Wolin informs us of "the passing of democracy" and "the virtual disappearance of the culture of participation" in order to commemorate our defeats, not to strategize how to reverse or to moderate them: "Myth becomes a means not only of dealing with loss but of conveying the experience of traumatic loss, of loss unresolved." In the apocalyptic confrontation between good and evil, then, evil has won. Wolin does not openly endorse such a radically gnostic view, admittedly; but something of the sort lurks at the edges of his thought, and it explains what he means when describing Tocqueville, admiringly, as "burdened by dispossession."

If we take on board Wolin's myth of the political, the idealized image of a civic domain purged of all impurities, and compare it to the deeply entrenched injustices and rapacious egoisms that everywhere surround us, all we can reasonably do is pull up stakes and take to the hills. From there we can rage against the mediocrity and the conformism of Americans, among many other things. For Wolin, in sum, a "practical visionary" is a contradiction in terms. He fully accepts "Tocqueville's conviction of the futility of political involvement." Indeed, he has one-upped his subject, replacing Tocqueville's complex "desire-and-revulsion response to politics" with a simple revulsion response. Withdrawal from the political world in disgust—not agitation for, say, campaign finance reform—is the only appropriate behavior for anyone who has learned to breathe the rarefied air of his imaginary political realm.

Wolin's lengthy paraphrases, generous citations, and pungent commentaries make this a useful book for all those seeking to deepen their understanding of Tocqueville. But this is not, alas, the sum of his achievement. In fact, his interpretations are secondary to his diagnosis of the "postmodern despotism" characteristic of "late modernity." Why he has taken the trouble is not exactly clear, given his conviction that "the politically innovative theorist has little chance of a hearing." But we can be grateful nonetheless, since his volume helps us to understand the fate of the philosophy of 1968, and especially the way elements of the New Left still desire to keep their hands immaculately clean by idealizing "participation" and refusing any compromise with stable institutions, hard choices, and actual power.

Having taken forty years to publish a sequel to *Politics and Vision*, Wolin has been quite unlucky in his timing. For his readers in 2002 are bound to be painfully aware, as he could not have been while writing his book, of the kind of politics that is often associated with backward-looking utopias and fundamentalist reactions against modernity. He cannot be blamed for this, heaven knows; no one would suggest that. But images of a visionary and a hero who hates America while promulgating myths of purity, recruiting "agents of the immaterial," attacking the secular nation-state, and blaming modernization for having depleted the world of meaning are too fresh and too bitter to allow us to read an unorthodox work such as this, as we no doubt should, with a relaxed enjoyment of its eccentricities. By historical accident, the innocence that Wolin ascribes to his own quixotic views seems for the moment disquieting and not, as we might otherwise have thought, simply without foundation. ■

Threads of History

By ALAN TAYLOR

The Age of Homespun: Objects and Stories in the Creation of an American Myth by Laurel Thatcher Ulrich

(Alfred A. Knopf, 502 pp., $35)

TRAINED TO SEEK and to interpret written documents, American historians usually are flummoxed when confronted with the past's household objects. What are scholars to do with cloth, clothing, furniture, tools? Of what use is a spinning wheel or a linen tablecloth to a historian? Long abstracted from their original context and deposited in the display cases or dusty drawers of museums, such things seem mute with social meaning—and best left to antiquarians and art curators who can doggedly trace the stylistic connections and developments that matter so much to collectors but so little to historians.

But perhaps these objects can help historians who operate where the paper trail peters out. Such is the plight, certainly, of historians who study the colonial era; and doubly so when they seek the traces of common people rather than the well-documented elite; and triply so when their subjects are women rather than men. Women's historians now enjoy a growing demand for their methods and their ideas, as readers and students seek to fill the gaps left by past generations of scholars who slighted female lives as historically insignificant—as apparently trivial as the spinning wheels themselves. Yet these historians must struggle to extract

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meaning from a paucity of surviving writing by colonial women. Even for New England, the most literate region of colonial America, the texts by women are preciously rare: some letters and a handful of diaries or account books.

NECESSITY BEING THE mother of scholarly invention, women's historians have proved especially resourceful and ingenious at teasing meanings from stray references in the records of civil, criminal, and probate courts. Among these adept scholars, Laurel Thatcher Ulrich especially stands out. Ulrich raised a family before turning in midlife to pursue graduate study at a relatively small public university during the late 1970s, and she courageously devoted her dissertation to a topic then doubly damned by conventional scholarly wisdom as trivial: colonial women in northern New England. Surely only someone consigned to academic marginality would investigate marginal people dwelling in marginal places—rather than, say, men in Massachusetts or Virginia. Her early career, in sum, was a path that never before led to the Harvard faculty, to which she now belongs.

But sheer ability is sometimes a stubborn thing. An astute editor at a prestigious publishing house snapped up Ulrich's dissertation, recognizing its literary qualities and its timely contribution to the emerging interest in early American women. When it was published in 1982, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650–1750* exemplified a distinctive and authentic new voice in historical scholarship. Trained in the then-prevailing "New Social History," Ulrich dutifully plunged into the court cases and probate inventories of local records to document the lives of common women. But she broke with the social science model that turned statistical averages into bland types, an approach that Ulrich characterizes as "freezing people into a collective anonymity that denies either agency or the capacity to change."

Instead, in obscure records she found vivid stories that illuminated the lives led by so-called "common" people. Determined to evoke the past as well as to analyze it, Ulrich offered "an extended description constructed from a series of vignettes." And she found drama where no one else had bothered to look, presenting "much about housekeeping, childbearing, and ordinary churchgoing, about small conflicts experienced by forgotten women, and about little triumphs that history has not recorded." Although attentive to scholarly questions—such as whether colonial women were losing or gaining in status—Ulrich primarily sought to recover what mattered to past women: "the magnification of motherhood, the idealization of conjugal love, and the elevation of female religiosity." With a humane imagination and a keen eye for telling details, Ulrich enabled readers to feel a sense of connection to kindred people dwelling in the alien culture of a distant time, bringing into focus a surprisingly coherent and forceful picture of colonial life.

EIGHT YEARS LATER, in 1990, Ulrich published a still more eloquent, moving, and important book, *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785–1812*. As in her first book, she took on a risky subject rejected by more conventional historians: the life of an obscure woman from central Maine who left a long but repetitive and cryptic diary. Full of daily chores and transactions but thin on observation, the diary seemed dry, dull, and trivial to the few historians who bothered to examine its cramped handwriting. Through innovative and exhaustive research in local records, Ulrich reconstituted Martha Ballard's familial, social, and economic relationships with hundreds of neighbors—children, women, and men—to restore the rich meanings implicit in the diary's terse entries.

Recast as an "earnest, steady, gentle, and courageous record," the diary revealed the long-lost life of a country village in the early republic. Ballard's diary helped Ulrich to uncover the vibrant female networks for exchanging labor and making household produce, including homespun cloth. Eighteenth-century women re-appeared as earthy, vibrant, and essential, and no longer as the passive dependents of stereotype. In a vivid and telling metaphor, Ulrich likened the social interplay of men and women to cloth: "Think of the white threads as women's activities, the blue as men's, then imagine the resulting social web. Clearly, some activities in an eighteenth-century town brought men and women together. Others defined their separateness." No historian has done more to recover a detailed sense of the past from so many disparate scraps of apparently opaque evidence.

Striking as literature and as research, *A Midwife's Tale* presents Ulrich's findings in a lyrical prose attentive to a reader's imagination. By focusing each chapter on a particularly difficult but implicitly rich passage, Ulrich drew her readers into the challenges and the rewards of historical research as detective work. She then constructed tight and compelling descriptions of action and place in a distant time and culture, rendering tangible the differentness of the early republic. And yet Ulrich also treats her subjects with empathy, rendering them understandable as fellow humans in their abilities and limits, their joys and sorrows. While feeling the alienation of time, readers of her book also garner a sense of kinship with the people who lived in the distant past. No book in recent memory has better combined the respect of fellow scholars with the affection of general readers.

WHAT COULD ULRICH do for an encore? In her new book, she takes on the especially daunting task of finding meaning in the woven things of New England's museums: "sheets, pillowcases, tablecloths, napkins, towels, quilts, blankets, grain bags, handkerchiefs, aprons, coverlets," and Indian baskets. "This is a book," Ulrich explains, "about the objects nineteenth-century Americans saved, the stories they told, and the stories that got away." For small things she makes large claims: domestic objects reveal "the flow of common life" that generates "the electricity of history," providing the context for more famous events such as the coming of the American Revolution. And who better to make history from mute objects than the historian who moved a Maine midwife and her diary into the center of historical scholarship?

To succeed, Ulrich must again convert a dense obstacle into a crystalline prism for viewing the past. Between us and the eighteenth century there looms a formidable nineteenth-century mythology that romanticized the colonial era as an "Age of Homespun"—a simpler, happier, and more authentic time when virtuous living and hard work by self-sufficient households produced an almost universal sufficiency, without extremes of wealth and poverty, power and exploitation. The myth emerged during the 1840s and 1850s as compensation for a new and troubling time of factory-made and store-bought goods. As household production withered, Yankee antiquarians avidly collected and displayed the old tools, furnishings, and clothing of their newly sanctified forebears. Ulrich observes that "the mythology of household production gave something to everyone. For sentimentalists, spinning and weaving represented the centrality of home and family, for evolutionists the triumph of civilization over savagery, for craft revivalists the harmony of labor and art, for feminists women's untapped productive power, and for antimodernists the virtues of a bygone age."

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Yet those mythic and protean qualities tend to distance the objects from contemporary historians. Attentive to the ideological distortions of nineteenth-century "memory," historians cannot see beyond to find colonial meaning in the old things. Surely a display of spinning wheels reveals more about nineteenth-century collectors than about eighteenth-century users. But Ulrich, by contrast, wishes to proceed beyond debunking the myth-makers. Instead she thanks them for saving so many objects made and used by the ordinary women who left so few documents.

ULRICH'S BOOK DOES attend to the sort of big social transformation that historians ordinarily seek: in this case, the rise and fall of a female-conducted household mode of cloth production. During the early seventeenth century, in New England as in the mother country, male artisans wove cloth as a specialized and centralized craft. But at the end of that century and the beginning of the new one, cloth-making in New England became decentralized and feminized, conducted in most households by women and their daughters rather than by men.

In an era when cloth and clothing were relatively precious and rare, linen tablecloths were more valuable than the tables they covered. As the producers of critical goods, New England women enjoyed considerable importance and authority within their households. During the mid–nineteenth century, however, the women of New England lost productive clout at home as the market and the new technologies centralized the production of cloth in factories. Lower-class women had to seek wage work in the factories, while middle-class women struggled to transcend new roles that threatened to be merely ornamental or admonitory.

Ulrich also works to correct the nineteenth-century mythology that sanitized New England's colonial past. She detects "the dark underside of New England history" in beautiful embroideries that others read only for their fine workmanship and exquisite taste. Noting the wealth and the leisure that allowed Eunice Bourne to create fine needlework in 1753, Ulrich remarks that "the economic development that elevated the Bournes ... to the provincial elite left urban poverty and economic unrest in its wake." In particular, the Bournes derived their wealth from exploiting their trustee power over the Mashpee Indians to accumulate valuable lands on Cape Cod.

Throughout her book, Ulrich restores the Indian presence formerly erased by a mythic history that downplayed their violent dispossession and suggested their consent to marginalization and disappearance. By emphasizing the bucolic harmony of the "Age of Homespun," the myth implied that Indians had vanished smoothly and voluntarily, giving way to an improved landscape conducted by a happier people favored by divine providence. Yet Ulrich will not absolve domestic life and colonial women from the public violence of colonial men. Instead, she concludes that "cloth literally transformed the landscape as Algonkian beaver passed into the hands of English felt-makers and English sheep began to graze on American meadows."

WHILE NOTING THE colonists' grim effectiveness as conquerors, Ulrich denies their descendants' claims to total victory, their mythic insistence that New England's Indians had vanished. She closely analyzes the nineteenth-century Indian baskets collected by the myth-makers, who remained oblivious to their testimony that the natives adapted and persisted long after their supposed disappearance. Ulrich also corrects the museums that have long defined Indians as a timeless, primeval essence that could experience change only as a form of decay.

The Maine State Museum, for example, displays a pocketbook made by an Abenaki (or Pigwacket) Indian woman named Molly Ocket. Treated as a vestige of ancient tradition, the displayed object loses its richest meaning: as a syncretic piece made in 1785 for a Yankee consumer by a native woman particularly savvy in Yankee ways. Although woven in a traditional manner, the pocketbook is a European form, and Molly Ocket combined settler wool with native materials: hemp and moose hair. Ulrich notes that "the pocketbook is both an Abenaki and a colonial artifact." Through this syncretic pocketbook, Ulrich redefines the essence of "Indianness" away from an impossible purity to, instead, an adaptability that consistently interwove tradition with innovation in a struggle for cultural survival in a transformed land. Thus recast, New England's Indians reappear as a continuous presence, putting the lie to the mocking label formerly applied to the pocketbook by a nineteenth-century curator:

> Old Mollocket
> Made this Pocket
> She was a Pequawket
> And last on the Docket

Although attentive to the big questions, Ulrich is once again primarily interested in the many details, in the textures and the relationships of daily life: in "the unseen technologies, interconnections, and contradictions that lie beneath audible events." She delights in explaining the cultivation of flax, the operation of spinning wheels, the variety of stitches used in fine linens, and the diverse weaves employed in baskets. Above all, Ulrich loves to find and tell stories generated by supposedly ordinary people. Setting aside her larger argument for long stretches, she narrates "the stories of individual people—makers, collectors, and users of ordinary household goods."

Although individually fascinating, the stories are ultimately too many and too diffuse to preserve a clear sense of direction—which marks *The Age of Homespun* as even more daring but finally less successful than *A Midwife's Tale*. In contrast to most academic writing, which remains unnecessarily abstract, *A Midwife's Tale* is enriched by an attention to life's descriptive particulars. But thanks to a central focus on one woman dwelling in a single town, *A Midwife's Tale* perfectly balances the details with a clear story line: Martha Ballard's struggle to adapt to a society transformed by the American Revolution and to a life cycle that diminished her power over her children. In her new book, however, Ulrich ranges among dozens of capsule biographies and distinct episodes scattered over three centuries and six states, producing a knotted texture that ultimately defies her creative ability to highlight a central thread.

ULRICH NAMES, BEGINS, and frames each chapter with a particular object or two crisply illustrated in black-and-white photographs. The featured fourteen include Indian baskets, spinning wheels, a cupboard, a chimneypiece, a niddy-noddy (for winding yarn), a bed rug, a silk embroidery, a pocketbook, a tablecloth, a counterpane, a blanket, and a stocking. As opening gambits, the objects catch the eye and intrigue the imagination. Arranged in a chronological sequence from 1676 to 1837, the things and their chapters generally draw their readers forward through time—but with many digressions backward and anticipations forward. After discussing the object's apparent provenance and the original story (if any) provided by the donor, Ulrich sets to work in the local records to correct or complete the original account, illuminating the piece's social and cultural context.

This innovative framework sometimes works brilliantly. The best chapter features the largest and most striking piece, a cupboard made about 1715 in Hadley, Massachusetts. Its bright blue columns frame a bold array of flowers, vines,

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Roman letters, and the owner's maiden name: Hannah Barnard. By boldly asserting a woman's identity and power of possession, the cupboard refutes the notion that colonial women were passive, anonymous, and powerless. True enough, the legal system awarded men a monopoly on family identity, real property, and the documents that survive for historians to use; but the cupboard testifies that the written documents do not tell the whole story.

With the help of the cupboard, Ulrich recovers the informal and customary power that colonial women exercised within their families and through the generations. Women inherited and controlled the dispensation of "movables"—cloth, clothing, furniture, and some livestock. These items usually eluded the legal records but were as essential to a farm family as the land owned by men. With ingenious research, Ulrich demonstrates the recurrence over the generations of the name "Hannah Barnard," whose owner, in turn, inherited the precious cupboard. "The cupboard helped to preserve the name," Ulrich writes, "but the name also transformed the cupboard. Marked with the first owner's name, it became ... an inalienable possession." She concludes: "The cupboard teaches us that in a world where most forms of wealth were controlled by male heads of household, certain objects were informally owned by women." Through the transmission of names and objects women created lineages that sometimes paralleled, but often crosscut, the more conspicuous and official patrilineal system. In this particular chapter, the featured object proves eloquent and central to the analysis, from beginning to end.

In some other chapters, though, the featured objects are far less revealing. Once introduced, they quickly recede, as Ulrich instead pursues an eclectic set of stories loosely connected to the things themselves or to her larger subject. Thus the fifth chapter begins with an intriguing niddy-noddy—a cross reel for winding and measuring yarn—from Newburyport in 1769. But the chapter soon abandons the particular object and races far beyond that town and year. Ulrich discusses the widespread patriotic spinning bees that supported the boycotts to protest British taxation; then she turns to a detailed recounting of the diverse stories within a succession of eighteenth-century diaries kept by five disparate and far-flung New Englanders.

Two New Hampshire men, Samuel Lane and Matthew Patten, noted the importance of their daughters in the production of cloth. Young Deborah Sylvester of Massachusetts linked cloth-making to religion and marriage. Mary Cooper of Long Island vividly lamented her hard work and her callous husband. Wealthy Elizabeth Porter Phelps mused about courtship, slavery, and religion in western Massachusetts. Ulrich asserts that "household manufacturing is the thread that binds these stories together." Often it is a slender thread. Drawing upon Phelps's diary, Ulrich reports that a servant named Sarah Bartlet burned down a tavern in 1767; her apparent tie to the larger story is that Bartlet began the fire in some flaxen yarn. Perhaps, Ulrich muses, Sarah felt cheated by her master's accounting of her spinning. Given Ulrich's talents as a researcher and a narrator, the twisting and turning stories are all fascinating—but readers may well wonder where they are bound.

And in contrast to Hannah Barnard's eloquent cupboard, the opening niddy-noddy provides scant information. The object's cameo appearance is merely symbolic: a convenient visual image. In the rest of the chapter, Ulrich applies her distinctive talents to interpreting the sort of written documents—diaries, letters, genealogies, and inventories—that are the stock-in-trade of social historians. She does not really need the niddy-noddy except to launch the storytelling. In sum, the niddy-noddy fails to deliver on the apparent promise that things can serve as powerful sources in their own right.

Ulrich's last chapter begins with an unfinished stocking from 1837, still attached to two needles and balls of linen. What does it mean? "No one knows who began it or why it was saved," Ulrich laments. After catching the reader's eye, the linen stocking vanishes from the chapter as Ulrich turns instead to an entertaining ramble through the various new forms of cloth-making introduced by market incentives during the 1830s. Ulrich describes the brief, colorful, but futile boom in silk-making; the development of textile factories with new forms of time and labor discipline—which led to strikes by their young women workers; and to the outwork production of straw and palm-leaf hats in country towns. Along the way, she details the lives and the cloth-making of Sarah Weeks Sheldon of Vermont and Persis Sibley Andrews of Maine, as revealed by their letters and their diaries. Finally, Ulrich narrates the experiences of two other Yankee women (Patty Sessions and Lucy Meserve Smith), who converted to Mormonism, emigrated to Utah, and continued to make cloth until the end of their lives.

Despite its range, the final chapter seems incomplete. For balance, Ulrich's book would benefit from a concluding counterpart to the previous attention afforded to the creation of New England's domestic mode of cloth production. In the early chapters, Ulrich presents detailed research in probate records to specify with quantitative precision the dissemination of spinning wheels and weaving looms at the start of the eighteenth century. But she offers nothing comparable for the 1830s and 1840s to quantify and to define the pace at which those objects left New England households.

Ulrich demonstrates the emergence of domestic cloth-making with precision, but she merely asserts the system's decline. Rather than concluding with Patty Sessions and Lucy Meserve Smith, who remained lifelong cloth-makers to the end of the nineteenth century, Ulrich might have provided examples of women gradually forsaking the spinning and weaving of their earlier lives. For want of that closure, the suggestive but unfinished stocking proves an apt symbol for the last chapter—and more generally for the difficult task of reading objects as texts. ■

Life-Size Is What We Are

(A New History of Photography)

Selflessly the self gave it all away.
Pin all yr hopes, lay all yr love, etc.

Which means the fish that live
in a plastic bag think the edges

of the world pucker. It's one thing to
make an image. It's two things to find one.

Why weren't we mindful of the lady
behind the makeup counter, calling,

"Come here honey, let me give you
some eyes"? The laws were sunsetting.

One puff of smoke rose in the minefield.
People dragged their shadows along.

I'm here to tell you that you're not.
Surprise, darling, surprise.

Matthea Harvey

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LONDON DIARIST

'70s Show

IT MIGHT HAVE BEEN A COINCIdence, but there seemed to be a distinctive 1970s revival going on when I visited Britain last week. The neckties are thick and wide again; the trade unions are making brute-like noises; the younger generation enjoys recreational drugs to a degree unknown since sideburns were bushy; the hit show in the West End is a recreation of a classic 1970s comedy team, Morecambe and Wise; and everyone's gearing up for a royal jubilee.

THE LAST SUCH JUBILEE WAS IN 1977, and the BBC just broadcast a riveting documentary on it. It wasn't so very long ago but watching it felt like observing a country from another side of a cultural Valley Forge. The fanatical royalism; the painting of sidewalks red, white, and blue; the bunting and street parties; the lads with mullets and the queen's coat of arms tattooed on their chests; the costumed wheelbarrow races in village squares; and the vast crowds in London besieging the palace—these all seem a universe away now. The fascination the Brits once had for their royals ended, at least for the time being, with the Diana debacle. The dowdy nonentities that make up the family Windsor have not survived the comparison. So the Brits look elsewhere now—to "Becks" and "Posh," the new royals, he (David Beckham) the handsome captain of the English soccer team, she (Victoria Beckham) a former member of the Spice Girls and now Becks's wife. The tabloids rarely miss a detail of their lives—their mansions and clothes and scandals. Both are pleasantly dim bulbs, like the royals they have replaced. But, unlike the real royals, they don't bore people to tears.

POLITICS DOES. IT COMES IN LAST ON the list of most people's interests. The week I was there saw the finale of an endless television talent show called "Pop Idol." The finale, which pitted two almost indistinguishably nonthreatening boy singers against one another, was decided by a two-hour telephone ballot. The number of call-in votes for "Pop Idol" rivaled Labour's vote tally in the last general election. And when you look at the government's drift and the opposition's paralysis, you can see why. The extraordinary enthusiasm that brought New Labour to power in 1997 has now turned into indifference bordering on disdain. Tony Blair looks far better abroad than he does at home.

TO BE FAIR, LABOUR HAS SUCCEEDED in one obvious respect: They have preserved and protected the economic legacy of the conservatives, in some ways strengthening it by making the Bank of England independent and reinvesting in important public infrastructure. Because of this, Britain is now the most vibrant economy in Europe. In London, especially, you hear European immigrants everywhere—from Ukrainian minicab drivers to Spanish bellboys—working in one of the few places in the European Union where regulation and unions and high taxes don't deter hard work.

BUT THAT'S ABOUT IT. THERE HAS been no marked improvement in the Soviet-style National Health Service—and Blair's recent proposals are a faint echo of reformist, market-oriented ideas first proposed by Thatcher and Major. The education system is treading water. Crime is increasing—indeed soaring in London. Blair's response has been to go abroad a lot—acting as George W. Bush's de facto secretary of state in the war on terrorism, doing Clinton-like tours of Africa, and bopping around Europe making clever alliances with the conservative Italian and Spanish premiers. There may be a method to his diplomacy, but it hasn't impressed the British public. A recent cover of the magazine *Private Eye* summed up the average Brit's response. It depicted Blair on his African tour, banging drums and surrounded by African musicians. "And what do the drums say?" the caption has Blair cheerfully asking his hosts. "Go home, white man," they reply.

THE EVAPORATION OF BLAIR'S CREDIbility—if not his personal popularity—is partly self-inflicted. In railing against the Tories when he was in opposition, he implied that Britain's public sector just needed left-of-center politicians to look after it and all would be fine. In fact, of course, the dated 1940s bureaucracy that still ran Britain's health, education, and transport systems in the 1990s needed radical reform if not outright abolition. Thatcher never really tackled it; Major actually achieved modest reforms in the teeth of union opposition; Blair has poured more money in—but with relatively little success to show for it. The press is full of horror stories of seniors left in hospital corridors for days without attention, miscarried babies ending up in laundry baskets, and so on. In frustration, Blair recently targeted those he called "wreckers" as the culprits behind these disasters. The public-sector unions—a key Labour constituency—rightly took this as an attack on them. Downing Street quietly apologized, but Blair has not instituted the kinds of changes needed. He has alienated vast chunks of the civil service bureaucracy by bringing in an army of political appointees, spin doctors, media counselors, and the like. His party base is suspicious of his post-Thatcher revisionism; and his efforts to raise corporate money to help the Labour Party's finances have led to a series of Enron-like scandals that have made him seem as sleazy as the long-reviled Tories. More and more, he seems a politician of purely rhetorical power, a master of branding but an incompetent at governance.

ON TWO CRITICAL ISSUES, IN PARTICUlar, Blair is still waffling. Sooner or later, he will have to decide whether to hold a referendum on adopting the euro. His most powerful rival in the government, Chancellor of the Exchequer Gordon Brown, and the bulk of the country oppose it. Blair and his allies support it—partly as a way for Blair to assume greater power and influence in the European Union. But Blair refuses to risk a promised referendum. The dithering inescapably weakens his domestic clout. And then there's the war. In many ways, Bush's "axis of evil" speech was a body blow to Blair's domestic balance. His own party, whether represented by the populist anti-American extremism of *The Daily Mirror* or the poisonous superciliousness of *The Guardian*, clearly doesn't want to follow the war to Iraq. If Blair becomes what the journalist Alexander Chancellor last week called a "Yankee Poodle," then he will endanger his position in his own party, while Gordon Brown angles to take over.

WHAT BLAIR LACKS IS WHAT EVERY inconsequential politician lacks: an overriding conviction. He doesn't seem to believe strongly that the euro is the right thing for Britain or that an extended war on terrorism is the right thing for world peace and stability. So once the brilliant image-making has subsided, he seems an oddly passive figure, more acted against than acting, responding rather than preempting, and increasingly devious to boot. Like Thatcher in her second term, he has the advantage of a collapsed opposition. But, unlike Thatcher, it seems clearer and clearer that he doesn't have the guts to turn his negative strengths into positive ones. Until he does, the 1970s will never seem that far away.

ANDREW SULLIVAN

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Legal Scholars Say Court Should Let Families Direct Funds as They See Fit

Dozens of distinguished legal scholars support the Cleveland school choice program's constitutionality.

These experts include Jesse H. Choper, Earl Warren Professor of Public Law at the University of California at Berkeley (Boalt Hall), and Douglas W. Kmiec, dean and St. Thomas More Professor of Law at the Catholic University of America Columbus School of Law. Here are excerpts from a recent commentary by Deans Choper and Kmiec:

The dispute over school choice [is] perhaps the most watched case on the U.S. Supreme Court's docket this term. But the high degree of scrutiny the case will receive should not keep the Court from following through with its recent precedent and upholding the constitutionality of the [Cleveland] program...

The contending positions revolve around the First Amendment obligation not to establish religion...[A] large number of decisions have addressed the topic...many of which involved public financial assistance to church-related schools...[A] majority of the Court has regularly upheld a series of programs that spend public funds for the benefit of all pupils — those attending public schools, private schools, and parochial schools...

...Justice Sandra Day O'Connor [and] Justice Stephen Breyer... stated in *Mitchell v. Helms* (2000), "when government aid supports a school's religious mission only because of independent decisions made by numerous individuals to guide their secular aid to that school, '[n]o reasonable observer is likely to draw from the facts . . . an inference that the State itself is endorsing a religious practice or belief.' "

...[The Cleveland program] emerged as a result of the financial and educational meltdown of the Cleveland public school system...The legislature enacted a scholarship program, primarily benefiting families with incomes below 200 percent of the poverty line, for students in kindergarten through eighth grade.

Parental School Choice is Widespread — Unless You're Poor.

The scholarship...may be directed by the parents to any private school, religious or not, within the boundaries of the Cleveland school district. The scholarship could have also been used in any suburban public school in an adjacent district, but none chose to participate...[Forty-six] of the 56 private schools participating were religious...But this is a product of [parents'] genuinely independent and private choice, and a result likely accentuated by the refusal of public schools in districts adjacent to Cleveland to participate in the program.

Those defending the Cleveland plan...believe that neither the parents' free choice nor the equally free (if educationally unfortunate) nonparticipation of suburban public schools can be said to convey a message of religious endorsement...That a participating school is forbidden from preferring students of its own faith only makes clearer that the [Cleveland] program does not endorse religion.

Reasonably informed observers — especially those "aware of the history and context of the community," as Justice O'Connor wrote in concurring in *Capitol Square Review and Advisory Board v. Pinette* (1995) — should conclude that the program is designed to improve and expand educational opportunities to the children whose local public school has failed them. The Supreme Court, in keeping with its recent precedent, should conclude the same.

The full text of this essay, which appeared in the February 11 issue of Legal Times, *is at www.schoolchoiceinfo.org.*

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Black Alliance for Educational Options

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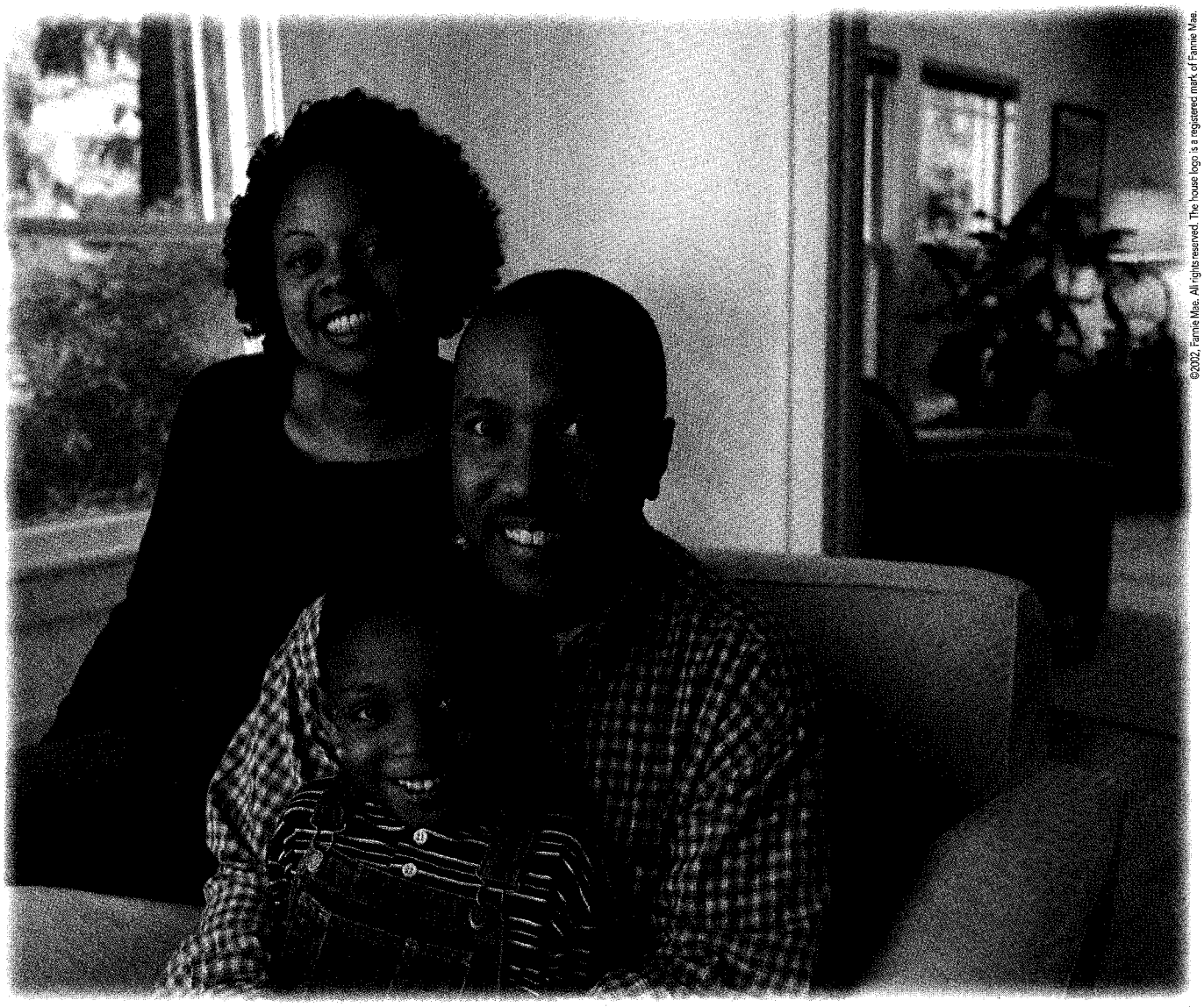

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